

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

February 25, 2016

A meeting of the Land Development and Transportation Committee was held on Thursday, February 25, 2016, at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present:

Vincent Jarboe, Chair
Jeff Brown
Cliff Turner
Marilyn Lewis

Committee Members absent:

Donnie Blake, Vice Chair

Staff Members present:

Joe Reverman, Assistant Director
Brian Davis, Planning Supervisor
Christopher Brown, Planner II
Julia Williams, Planner II
John Carroll, Legal Counsel
Sue Reid, Management Assistant

The following matters were considered:

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Approval of Minutes

Approval of the February 11, 2016 LD&T Committee Meeting Minutes

00:03:00 On a motion by Commissioner Turner, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted Thursday, February 11, 2016.

The vote was as follows:

YES: Commissioners Turner, Brown and Chair Person Jarboe

NO: No one

ABSTAIN: Commissioner Lewis

ABSENT: Vice Chair Blake

**MINUTES OF THE MEETING
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New Cases

Case No. 15ZONE1048

Request:	Change in zoning from R-6 to C-2 with Land Development Code Variance and Waivers; Revised Detailed District Development Plan
Project Name:	Zanzabar
Location:	2100 & 2104 South Preston Street
Owner:	Zanzabar LLC
Applicant:	Anthony Wettig
Representative:	Schroll Land Surveying LLC
Jurisdiction:	Louisville
Council District:	15 – Marianne Butler
Case Manager:	Christopher Brown, 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.)

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.

Agency Testimony:

00:03:42 Christopher Brown presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Antz Wettig, 213 Brown Avenue, Louisville, KY 40207
Jon Wettig, 1141 Logan Street, Louisville, KY 40204
Ted Bressoud, 230 South Hite Avenue, Louisville, KY 40206

Summary of testimony of those in favor:

00:10:10 Antz Wettig, the applicant, spoke in favor of the request (see recording for detailed presentation).

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00:11:20 Jon Wettig spoke in favor of the request (see recording for detailed presentation).

00:11:42 Ted Bressoud was called, but declined to speak at this time.

The following spoke neither for nor against the request:

Bill Schroll, 5450 Southview Drive, Louisville, KY 40214

Dan Lockett, Jr., 601 W. Jefferson Street, Louisville, KY 40202

Summary of testimony of those neither for nor against:

00:12:09 Bill Schroll stated he drew up the site plan and was available for any questions (see recording for detailed presentation).

00:14:04 Dan Lockett stated he was representing the District 15 Council Office. Mr. Lockett stated they just wanted clarification on the Binding Elements, particularly #4, #6, #7, #11 and #12. Mr. Lockett stated along with these Binding Elements there's a couple of other things they would like to see, and it had to do with the parking across the street as well as the additional building and the sound-proof staging (see recording for detailed presentation).

00:17:28 Commissioner Brown directed Mr. Lockett to look at Page 7 and 8 of the Staff Report at the proposed Binding Elements, which propose striking through most of the Binding Elements he has mentioned (see recording for detailed presentation).

00:17:45 Chair Jarboe stated some of the Binding Elements Mr. Lockett is talking about are proposed to be stricken (see recording for detailed presentation).

00:18:02 Chris Brown stated those Binding Elements were proposed to be stricken by staff because they were in place with the previous development. Mr. Brown stated the Code then versus the Code now is completely different, so a lot of these are taken care of by the actual Land Development Code rather than putting them in a Binding Element (see recording for detailed presentation).

00:21:48 Chair Jarboe suggested Mr. Lockett get with the applicants and make sure they are on the same page as far as anything that is not already in our

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Code that might want to be added as a Binding Element (see recording for detailed presentation).

00:22:18 Ted Bressoud spoke in response to the comments about the parking lot across the street (see recording for detailed presentation).

00:26:50 The Louisville Metro Land Development and Transportation Committee by general consensus **SCHEDULED** Case Number 15ZONE1048 to be heard at the **April 7, 2016** Planning Commission Public Hearing.

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CASE NO. 15DEVPLAN1149

Request:	Revised Detailed District Development Plan
Project Name:	Global Auto Sales
Location:	10104 Taylorsville Road
Owner:	Convenience Stores Leasing and Management LLC
Applicant:	Globe Auto Sales II
Representative:	Cardinal Planning and Design Inc
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Christopher Brown, 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.)

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.

Agency Testimony:

00:27:38 Chris Brown presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Kathy Matheny, 9009 Preston Highway, Louisville, KY 40219

Summary of testimony of those in favor:

00:29:17 Kathy Matheny spoke on behalf of the applicant and referred to a Powerpoint presentation (see recording for detailed presentation).

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New Cases

CASE NO. 15DEVPLAN1149

00:36:41 On a motion by Commissioner Brown, seconded by Commissioner Lewis, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee in Case Number 15DEVPLAN1149 does hereby **RECOMMEND APPROVAL** to the City of Jeffersontown the request for a Revised Detailed District Development Plan, based on the staff report and testimony heard today, and **SUBJECT** to the following Binding Elements:

Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the ~~Zoning District Regulations~~ **Land Development Code**. No further development shall occur without prior approval from the Planning Commission and City of Jeffersontown except for land uses permitted in the established zoning district.
2. The development shall not exceed 1,655 square feet of gross floor area for the building, two service bays, and ~~2,300 square feet of staging area for the U-Haul rental~~ **5,364 square feet of outdoor display area**.
3. ~~The only permitted freestanding sign shall be located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 0 feet to front property line. The main sign shall not exceed 54 square feet in area per side and the subordinate sign shall not exceed 7 square feet in area, and shall not exceed 20 feet in height. No sign shall have more than two sides.~~ **Signs shall be in accordance with Chapter 8 of the Land Development Code.**
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
5. ~~There shall be no outdoor storage on the site, except U-Haul rental trucks and trailers.~~ **The site is permitted to have outdoor display area for automobiles for sale not to exceed 5,364 square feet.**
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source

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is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.

7. The property owner/developer shall submit to the Planning Commission written procedures for tire/oil disposal that comply with applicable state and federal regulations and have been approved by the appropriate Works Director. Said procedures shall be submitted to Planning Commission Staff within 60 days after receiving approval from the City of Jeffersontown.

8. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.

9. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

10. 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.

11. 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.

The vote was as follows:

YES: Commissioners Turner, Brown, Lewis and Chair Person Jarboe

NO: No one

ABSENT: Vice Chair Blake

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New Cases

CASE NO. 15ZONE1057

Request:	Change in zoning from R-4 to C-1 with waivers
Project Name:	6503 Billtown Road
Location:	6503 Billtown Road
Owner:	Donald and Linda Rogers
Applicant:	Shalimar Investments LLC
Representative:	Land Design and Development; Bardenwerper Talbott and Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	20-Stuart Benson
Case Manager:	Julia Williams, RLA, 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.)

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Agency Testimony:

00:37:45 Julia Williams presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N. Hurstbourne Parkway, Louisville, KY 40222
Kevin Young, 503 Washburn Avenue, Louisville, KY 40222
Diane Zimmerman, 9420 Bunsen Parkway, Suite 225, Louisville, KY 40220
Sukh Bains, 14619 Inspiration Court, Louisville, KY 40245

Summary of testimony of those in favor:

00:40:44 Bill Bardenwerper spoke on behalf of the applicant and referred to a Powerpoint presentation (see recording for detailed presentation).

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CASE NO. 15ZONE1057

00:46:41 Kevin Young spoke on behalf of the applicant (see recording for detailed presentation).

00:50:57 Diane Zimmerman spoke in regard to the Traffic Impact Study (see recording for detailed presentation).

00:56:39 Sukh Bains was called, but did not speak.

The following spoke neither for nor against the request:

Michael Mulhern, 3001 Crittenden Drive, Louisville, KY 40209

Corey White, 10910 Pineview Court, Louisville, KY 40299

Summary of testimony of those neither for nor against:

00:56:57 Michael Mulhern, Director of Capital Improvements and Planning for Jefferson County Public Schools, spoke neither for nor against the request (see recording for detailed presentation).

01:06:53 Corey White was called, but did not speak.

The following spoke in opposition to the request:

Charles Brown, 6609 Billtown Road, Louisville, KY 40299

Lisa Dean, 6708 Weather Vane, Louisville, KY 40299

Shannon Michael, 6600 Rolling Pasture Way, Louisville, KY 40299

Summary of testimony of those in opposition:

01:07:18 Charles Brown spoke in opposition to the request (see recording for detailed presentation).

01:26:02 Lisa Dean spoke in opposition to the request (see recording for detailed presentation).

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CASE NO. 15ZONE1057

01:27:49 Shannon Michael spoke in opposition to the request (see recording for detailed presentation).

REBUTTAL:

01:35:05 Bill Bardenwerper spoke in rebuttal (see recording for detailed presentation).

01:46:33 Charles Brown spoke in regard to the access road (see recording for detailed presentation).

01:48:37 Michael Mulhern spoke in regard to the access road (see recording for detailed presentation).

01:54:05 The Louisville Metro Land Development and Transportation Committee by general consensus **SCHEDULED** Case Number 15ZONE1057 to be heard at the **April 7, 2016** Planning Commission Public Hearing.

NOTE: THE MEETING WAS RECESSED

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CASE NO. 15ZONE1068

NOTE: THE MEETING WAS RECONVENED

Request:	Change in zoning from R-6, OR-3, C-1 & C-2 to CR and C-2 with waivers and variances
Project Name:	Baxter/Broadway Apartments
Location:	626-656 Baxter Ave., 1203-1249 E. Broadway, & 1014-1026 Rogers St.
Owner:	Baxter Avenue Realty LLC, Roppel Industries, Riche Properties LLC, & Triangle Realty LLC
Applicant:	Edwards Companies
Representative:	Gresham Smith and Partners; Bardenwerper Talbott and Roberts PLLC.
Jurisdiction:	Louisville Metro
Council District:	4-David Tandy
Case Manager:	Julia Williams, RLA, 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.)

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Agency Testimony:

01:55:01 Julia Williams presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N. Hurstbourne Parkway, Louisville, KY 40222

Jon Henney, 101 S. 5th Street, Louisville, KY 40202

Tammy Markert, Transportation Planning, 444 S. 5th Street, Louisville, KY 40202

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CASE NO. 15ZONE1068

Summary of testimony of those in favor:

01:59:56 Bill Bardenwerper spoke on behalf of the applicant (see recording for detailed presentation).

02:12:43 Jon Henney spoke on behalf of the applicant (see recording for detailed presentation).

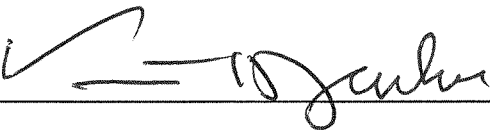
02:25:01 Tammy Markert spoke in regard to right of way designation (see recording for detailed presentation).

02:26:59 The Louisville Metro Land Development and Transportation Committee by general consensus **SCHEDULED** Case Number 15ZONE1068 to be heard at the **March 17, 2016** Planning Commission Public Hearing.

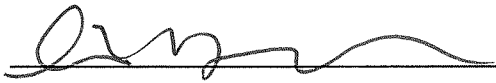
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The meeting adjourned at approximately 03:34 p.m.

A handwritten signature in black ink, appearing to read "V. S. Jones", is written over a horizontal line.

Chairman

A handwritten signature in black ink, appearing to read "D. S. Jones", is written over a horizontal line.

Division Director