

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

May 11, 2017

A meeting of the Land Development and Transportation Committee was held on Thursday, May 11, 2017 at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present were:

Marilyn Lewis, Chair
Rob Peterson, Vice-Chair
Jeff Brown
Richard Carlson

Committee Members absent were:

No one

Staff Members present were:

Brian Davis, Planning & Design Manager
Steve Hendrix, Planning Supervisor
Julia Williams, Planning Supervisor
John Carroll, Legal Counsel
Jim Carrey, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

Others Present:

Tammy Markert, Transportation Planning

The following matters were considered:

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Approval of Minutes

Approval of the April 27, 2017 LD&T Committee Meeting Minutes

00:06:30 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, the Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on April 27, 2017.

The vote was as follows:

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

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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New Business

Case No. 17CELL1000

Request:	Cell Tower replacement consisting of a 165-foot monopole with a 10-foot lightning arrestor (total height of 175 feet) within an approximate 4,161 square-foot compound area
Project Name:	Grinstead
Location:	1222 East Oak Street
Owner:	Modern Marketing Concepts, Inc.
Applicant:	Crown Castle South LLC
Representative:	Bryan Brawner
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan

Case Manager: **Steve Hendrix, Planning Supervisor**

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:

00:06:56 Steve Hendrix presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) He emphasized that this is a replacement of an existing tower. He said the existing fence will be repaired.

The following spoke in favor of the request:

Bryan Brawner, 10300 Ormsby Park Place, Louisville, KY 40223

Greg Ehrhard, 400 West Market Street Suite 1800, Louisville, KY 40202 (signed in but did not speak)

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Case No. 17CELL1000

Summary of testimony of those in favor:

00:09:42 In response to a question from Commissioner Brown, Bryan Brawner, the applicant's representative, said the applicant is replacing this pole in order to add more carriers. He discussed the structural ratings and loading capacity (see recording for detailed presentation.) In response to a question from Commissioner Brown, Mr. Brawner confirmed that this tower would be replaced anyway due to its age.

00:11:56 John Carroll, legal counsel for the Planning Commission, asked Mr. Hendrix about his staff findings on page 3 of the staff report.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

00:12:38 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the proposal meets the intents of the Land Development Code (LDC) Guideline **3.1 - Compatibility**. The new monopole will be a replacement, is slightly shorter than the existing and will be able to have four, (4) carriers, instead of two, (2); and

WHEREAS, the Committee further finds that the proposal meets the intents of LDC Guideline **3.9 Visual Impacts**. The tower will still be visible from areas within the neighborhood, although the compound area will continue to be screened; and

WHEREAS, the Committee further finds that the proposal meets the intents of LDC Guideline **3.22 - Buffers**. The applicant has noted that the existing fence will be repaired and that the existing landscaping will remain the same; and

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WHEREAS, the Committee further finds that the proposal meets the intent of LDC Guideline **3.30 - Cellular Towers**. The proposal establishes and enforces standards for the placement, height, design, and buffering of antenna towers for cellular telecommunications services and personal communications services. The existing self-support cellular tower has been loaded and modified to its fullest extent. The replacement will enable the current carriers to update their existing equipment to fulfill their customers' needs as well as open space for future collocations; and

WHEREAS, the Committee further finds that the proposal meets the intents of the LDC Guidelines for **Community Facilities - 15.21 Antenna Towers** for Cellular Telecommunications. Cellular towers should be designed to:

--- minimize impact on the character of the general area concerned,

---be sited in order from most preferred to least preferred :

1. highway rights-of-way except designated parkways;
2. existing utility towers
3. commercial centers
4. governmental buildings
5. high-rise office structures
6. high rise residential structures

---minimize the likely effects of the installation on nearby land uses and values;

---be designed to address compatibility issues such as co-location, mass, scale, siting, abandonment and removal of antenna tower structure.

The proposal is a replacement for an existing tower that was initially approved in 1999; and

WHEREAS, the Committee further finds that, based the staff report, the applicant's justification, and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Land Development Code are being met; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Cell Tower replacement consisting of a 165-foot monopole with a 10-foot lightning arrestor (total height of 175 feet) within an approximate 4,161 square-foot compound area.

The vote was as follows:

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

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NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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New Business

CASE NO. 17WAIVER1011

Request:	Landscape Waiver
Project Name:	Blue Iguana
Location:	9500 Dixie Highway
Owner:	GESJ, Inc.
Applicant:	GESJ, Inc.
Representative:	William Bardenwerper - Bardenwerper Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	17 – Cindi Fowler

Case Manager: Joel Dock, Planner II
Case Presented by Julia Williams, RLA, AICP, Planning Supervisor

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:

00:13:44 Julia Williams presented the case on behalf of Joel Dock, and showed the site plan (see staff report and recording for detailed presentation.)

00:15:38 In response to questions from Commissioners Lewis and Brown, Ms. Williams discussed the access to the TARC transit stop. No boarding area is shown on the plan. Ms. Williams added that the applicant is not required to provide a boarding area.

The following spoke in favor of the request:

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway 2nd floor, Louisville, KY 40223

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New Business

CASE NO. 17WAIVER1011

David Frey, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

00:17:20 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:20:04 In response to a question from Commissioner Lewis, Mr. Bardenwerper said that all required plantings would be provided. David Frey, an applicant's representative, confirmed this. He also discussed the landscaping and landscape buffer requirements.

00:21:40 In response to a question from Commissioner Brown, Mr. Frey said the signage will be a modification of the existing pole sign at the entrance.

00:22:54 John Carroll, legal counsel for the Planning Commission, asked about a previously heard sidewalk waiver request. Mr. Bardenwerper explained the status of that.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

00:23:50 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as the required planting material and screening will be provided to mitigate any potential adverse impacts of the use on public rights-of-way. The waiver will also allow the installation of a sidewalk which promotes the safe movement of pedestrians along a corridor that is deficient safe pathways for pedestrians; and

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CASE NO. 17WAIVER1011

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 7, Policy 3 provides that development should be evaluated for their ability to promote mass transit and pedestrian use. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver requests is consistent with these principals as the required planting material and screening will be provided and pedestrian mobility will be promoted in an area that currently has poor connectivity; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as a sidewalk could be constructed within the right-of-way, while also providing the required VUA LBA. However, the applicant argued at the LD&T meeting on the 13th of April that the cost of installing a sidewalk to meet the Kentucky Transportation Cabinet requirements would be costly and that providing the sidewalk within the property would reduce the cost burdens on the applicant to provide pedestrian connectivity. The plant material and screening required by Chapter 10 of the LDC has not been proposed to be waived. Furthermore, providing a sidewalk within the property promotes the goals and objectives of the comprehensive plan with respect to pedestrian mobility along a corridor that has sporadic sidewalk connectivity; and

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CASE NO. 17WAIVER1011

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the applicant discussed at the LD&T meeting on the 13th of April that the cost of installing a sidewalk to meet the Kentucky Transportation Cabinet requirements would be costly and that providing the sidewalk within the property would reduce the cost burdens on the applicant to provide pedestrian connectivity; and

WHEREAS, the Committee further finds that, based the staff report and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Land Development Code are being met; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Waiver of Land Development Code (LDC), section 10.2.4.B.1 to reduce the required 10' vehicle use area landscape buffer area (VUA LBA).

The vote was as follows:

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

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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New Business

CASE NO. 17DEVPLAN1041

Request:	Sidewalk Waiver
Project Name:	The Virginia Chance School
Location:	4200 Lime Kiln Lane
Owner:	The Virginia Chance School, Inc.
Applicant:	The Virginia Chance School, Inc.
Representative:	Marv Blomquist – Blomquist Design Group, LLC
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed

Case Manager: **Brian Davis, AICP, Planning Manager**

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:

00:24:40 Brian Davis presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Marv Blomquist, Blomquist Design Group LLC, 10529 Timberwood Circle Suite D, Louisville, KY 40223

Summary of testimony of those in favor:

00:26:53 Marv Blomquist, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

The following spoke in opposition to the request:

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New Business

CASE NO. 17DEVPLAN1041

No one spoke.

The following spoke neither for nor against:

No one spoke.

00:28:08 On a motion by Commissioner Peterson, seconded by Commissioner Carlson, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as there are no other sidewalks or public transportation routes/facilities on Lime Kiln Road; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. While the Comprehensive Plan generally encourages pedestrian facilities around schools, this school is not located in an area conducive to children walking to school and there are no pedestrian facilities within the surrounding area; and

WHEREAS, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant as there are some topographical issues along the properties frontage that could have a significant impact on the cost of providing sidewalks; and

WHEREAS, the Committee further finds that, based the staff report, the applicant's justification, and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Land Development Code are being met; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested **Sidewalk Waiver** of Land Development Code (LDC), Section 5.8.1.B to not provide sidewalk along Lime Kiln Lane.

The vote was as follows:

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

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New Business

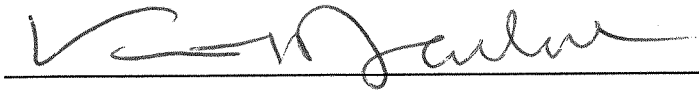
CASE NO. 17DEVPLAN1041

**NO: No one.
NOT PRESENT: No one.
ABSTAINING: No one.**

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The meeting adjourned at approximately 1:30 p.m.

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

Chairman

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

Division Director