

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
November 12, 2020**

A meeting of the Land Development and Transportation Committee was held on, November 12, 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 and 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

Staff Members present were:

Emily Liu, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Joel Dock, Planner II
Laura Ferguson, Legal Counsel
Pamela M. Brashear, Planning and Design Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

OCTOBER 22, 2020 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on October 22, 2020.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels and Peterson

ABSTAINING: Commissioner Lewis

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OLD BUSINESS
CASE NO. 20-ZONE-0020

Request: 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:

00:06:19 Mr. Dock stated the current Louisville Metro policy does not allow public meetings to be scheduled when the COVID-19 incident rate is in the “red.” At the time of publication of the staff report, the COVID-19 Current Incidence Rate in Kentucky dated 11/3/20 indicated Jefferson County’s incident rate in the “red.” The intent is to continue this case to the December 10, 2020 LD&T meeting, which gives 30 days to re-check the COVID-19 incidence rate and then schedule the night hearing. The next LD&T meeting after that will be January 14, 2020.

Mr. Dock mentioned a couple of technical review items: All of the interested party comments received up until November 3, 2020 were published with the public meeting materials including everything received from the initial LD&T meeting in July 2020 until today’s meeting. There are also some recent comments regarding construction traffic (Brody Lane). Binding element number 12 was added to the proposed binding elements – addressing connectivity to Hurstbourne Pkwy. Also, there are improvements required by KYTC, Kentucky Transportation Cabinet and the number of permits that can be issued without that connection.

Mr. Dock said he received an updated traffic study on October 22, 2020.

00:09:35 Commissioner Peterson asked if it’s the mayor’s directive to have no public hearings, whether in-person or online. Mr. Dock said the directive is for no in-person public meetings. Commissioner Peterson said maybe it should be reconsidered having the meeting online instead of in-person. Ms. Ferguson, legal counsel, said this case was petitioned for a night hearing. Commissioner Peterson said he’s worried that

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several cases will be delayed. Chair Lewis said the Policy and Procedure Committee will need to make that determination. Commissioner Carlson suggests sending this case to the Planning Commission, to make a determination, for this and the race track case together in order to remain consistent and efficient. Ms. Ferguson said this case was deemed ready and set for a night hearing on October 13, 2020 at 6:00 p.m. It was then continued out of an abundance of precautions surrounding COVID-19. It was then sent back to LD&T today for possibly setting another public hearing date. It can go to LD&T or Planning Commission to possibly set a date. It might be best to send this case to the same meeting as the race track case. Mr. Davis said that date is December 3, 2020.

00:18:43 Mr. Davis said this case also had KYTC issues that needed to be addressed and that's why it was continued to today's meeting. Mr. Dock added, the comments from KYTC resulted in the additional binding element 12, which states prior to requesting a building permit for the (#) dwelling on a combination of tracts 2 and 3, a public roadway connection shall be made to Hurstbourne Parkway. Any improvements required by KYTC to Hurstbourne Parkway at its intersection with the new roadway shall be made prior to vehicular connectivity being made available to this roadway from the development site. After speaking with the applicant, the primary concern about the permits was tract 3 and the multi-family, not the senior living on tract 2 (may be removed).

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, LLP, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:23:50 Mr. Ashburner stated he does want to limit the building permits available on the unrestricted multi-family parcel which is tract 3. The revised traffic study supports that and indicates improvements to area roads wouldn't be necessary before that threshold (200).

Mr. Ashburner said he agrees with Commissioner Peterson and exploring a fully virtual option is a good idea. Due process can be provided to everyone. The Policy and Procedure Committee needs to revisit this. The request was to continue this case to the December 10, 2020 meeting, but December 3, 2020 is acceptable.

00:26:19 Mr. Ashburner reminded the committee that this case and the racetrack case both had neighborhood meetings in January and February of this year. This case is ready for a public hearing. It is very rare to have that long of a gap between the case being ready and the public hearing.

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00:27:27 Ms. Liu said it would be more consistent to hear both cases at the December 3, 2020 Planning Commission meeting. Policy and Procedure discussion would be good, but it's also a legal issue. Planning and Design Services is actively seeking different ways to address the night hearing, but currently we're in the red zone and there's a surge of COVID-19 cases.

The following spoke in opposition to this request:

Nancy Willenbrink, 8101 ? Brookhollow Subdivision, 40220
Cathy ?, 4120 Wenwood Drive, Louisville, Ky. 40218

Summary of testimony of those in opposition:

00:29:57 Ms. Willenbrink stated the staff report dated today has the Meijers access point as the 3rd or 4th choice, but at the neighborhood meetings, a lot of people considered Meijers as the primary location. The Meijers entrance is very important. Who will be providing basic drawings for the intersection (J-turn) in front of the car wash? The public needs to view it before the public hearing. Mr. Dock said the connection to Hurstbourne Pkwy. and the public roads to be created will be submitted by the applicant. The revised plan should show the improvements, but ultimately, any improvements done in the right-of-way will require full construction plan approval.

00:33:50 Ms. Willenbrink said the traffic study dated October 22, 2020 was not made available to the public until Tuesday of this week. Why doesn't the applicant make these improvements today, especially if the developer is paying for them?

00:35:11 Cathy said she agrees with Ms. Willenbrink. Has the connection through Meijers been approved or will it be approved at the December 3, 2020 Planning Commission meeting?

00:36:12 Cathy stated she lives in Watterson Heights and there will be a safety issue with the increased traffic. Since there are no sidewalks and very little lighting, it makes it dangerous for residents walking dogs, etc. Is there anything in the plan to address the safety concerns of Watterson Heights?

00:38:33 Mr. Ashburner stated the design for the improvements on Hurstbourne Pkwy. is dictated by the state. The drawings can be made available at the public hearing. Regarding access through Watterson Heights, the development has been designed with the internal roundabout so only people who exit off the roundabout to Brownwood are probably going to be people going into that neighborhood. The Land Development Code does require these streets to connect. Concerning the Meijer access, Land Design and Development is working on a revised plan for the adjacent

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properties, which would include Meijers and a couple of other private properties between the subject property and Hurstbourne Ln. in order to accommodate that access. Lastly, the reason for the binding element is because it is not known which side of the development will be started first. The connection will need to be in place when needed and is based on the traffic study. The need for the Meijers entrance is based on a certain amount of trips, including tract 3.

Deliberation

00:44:10 The commissioners agree this case is ready to be continued to the December 3, 2020 Planning Commission meeting to determine a date for the night hearing.

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.

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **FIND** this case is ready for a public hearing but cannot be scheduled for a night hearing since Louisville Metro is in the red COVID-19 zone; therefore, it will be **CONTINUED** to the December 3, 2020 Planning Commission meeting for further consideration.

The vote was as follows:

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

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OLD BUSINESS
CASE NO. 20-ZONE-0056

Request: Change in Zoning from R-4 to R-5A with Detailed District Development Plan, Binding Elements, and Associated Waivers and Variance

Project Name: S English Station Road Multi-Family

Location: 999 and 1007 South English Station Road

Owner: 1007 S English Station Road

Applicant: Sunshine English Station Development LLC

Representative: Bardenwerper Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 20 – Stewart Benson

Case Manager: Dante St. Germain, 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:

00:47:36 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

00:55:00 Commissioner Brown asked, from a topography standpoint, can the connection be made on the north side. Ms. St. Germain said the applicant will need to answer this question.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Derek Triplett, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

00:58:37 Mr. Bardenwerper gave a power point presentation. The connections to the north were constructed, but not the east. There are some topographic conditions to the east that make it difficult. The land can't be developed to the east and there's a stream that goes through the property as well. There are 3 proposed additional binding elements. Metro Public Works wants bonding for the private access road through the condo development. Bonding of private roads is unusual and new in development. Prior to applying for the first Certificate of Occupancy, the developer will contact Public Works, do an inspection and make a determination as to how much of a bond will be required.

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01:06:10 Commissioner Brown asked, regarding proposed binding element number 9, what will the timing be for the English Station improvements – completed prior to a certain unit or 1st building permit? Mr. Bardenwerper said it's usually prior to the first Certificate of Occupancy. Mr. Bardenwerper asked Commissioner Brown if the construction of the traffic access could be delayed until midpoint. Commissioner Brown said there will be some leigh way because the left-turn warrant will be the driving factor.

01:07:51 Commissioner Brown said he's concerned about the proposed stub to the east. Based on the contours of this site development plan, it may not be a feasible connection for future development. Mr. Bardenwerper said there may have to be some grading on the east side of the property line. It hasn't been developed because of those issues.

01:08:38 Mr. Reverman stated, a lot of times the problem we see is when this road is connected, it may be stopped at an elevation that makes it almost impractical to continue it to the adjacent property. Maybe consider the finished elevation to the end of the road. Mr. Triplett said the location of the connection is the most direct route through the adjacent property. The finished grade on the stub is to be determined but we want to meet the existing grade as much as possible on the property line.

01:11:53 Commissioner Carlson asked, regarding the proposed binding elements 7, 8 and 9, is it possible the bond won't be required? Mr. Bardenwerper said he doesn't know if it's feasible. It's up to Metro Public Works to make that determination. Commissioner Brown said Public Works will do a full inspection and bond for final surface (if not installed), connections if not complete and any road improvements that are not done.

Deliberation

01:15:48 The commissioners agree this case is ready for a public hearing.

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 December 17, 2020 public hearing via Webex.

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OLD BUSINESS
CASE NO. 20-ZONE-0080

Request: Change in Zoning from R-4 to R-7 with Detailed District Development Plan, Binding Elements and Associated Waiver

Project Name: Cedar Creek Road Apartments

Location: 7703-7705 Cedar Creek Road and Parcels 064702750000 and 064702730000

Owner: Lonnie and Imogene Lawson, Garry and Denise Lawson

Applicant: Highgates Development

Representative: Frost Brown Todd/Mindel Scott & Associates

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

Case Manager: Dante St. Germain, 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:

01:18:08 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Tanner Nichols, Frost, Brown and Todd, 400 West Market Street, Louisville, Ky. 40202
Adam Kirk, 137 McClelland Springs Drive, Georgetown, Ky. 40324
Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219
David Mindel, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

01:21:10 Mr. Nichols stated this case was continued concerning issues of connectivity to the south and the left-turn lane. Based on the traffic study, a left-turn lane is not required. Regarding access to the south, the first choice is to have a complete waiver from this requirement given the properties to the south have frontage on Bardstown Rd. and have access to the rear of Cedar Creek.

01:23:40 Mr. Kirk stated a traffic study was done looking at traffic entering the site and evaluated the need for an auxiliary left-turn lane in accordance with the Ky. Transportation Cabinet guidance. The amount of traffic entering the site and the amount of opposing traffic does not warrant a left-turn lane.

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Deliberation

01:26:36 Commissioner Peterson said he doesn't like the idea of the stub connections going through the parking area. Also, maybe there can be a fee for partial construction of the left-turn lane. It is ready for a public hearing.

01:27:27 Commissioner Daniels said the left-turn lane issue can be resolved at a public hearing.

01:27:52 Commissioner Brown said the stub connection can be discussed at the public hearing but they are within 600 feet of the Bardstown Rd. intersection and will need to provide restricted access. There's no way to approve that as a full access on a two-lane road without having a dedicated left-turn lane because of its proximity to Bardstown Rd. It's not ready for a public hearing.

01:28:42 Commissioner Carlson agrees with Commissioner Brown.

01:29:25 Chair Lewis agrees with Commissioners Brown and Carlson – traffic issues have not been addressed satisfactorily and agrees with Commissioner Peterson – stub connection through parking lot doesn't meet the intent. It's not ready to be set for a public hearing.

01:29:54 Mr. Nichols stated one of the revisions to the plan includes note 12 stating: The developer agrees to coordinate with the development across the street (Walton's Development) to share in construction of a center turn-lane on Cedar Creek Rd. if that is required of the Walgreens development (or whoever develops it). Commissioner Brown stated, providing a dedicated left-turn lane to serve this site will be required before receiving a building permit.

01:34:00 Mr. Nichols asked, understanding this is a requirement, can this case proceed to a public hearing? Commissioner Brown asked if the plan could be updated with enough time for staff to review it before the Planning Commission date. Mr. Nichols said he thinks so. Mr. Reverman stated, we generally need a preliminary approved plan 2 weeks prior to the public hearing. Ms. Linares asked for clarification on what's being asked. Commissioner Brown said change note 12. Also, the dedicated left-turn lane to serve your site needs to be added to the site plan.

01:37:27 Mr. Reverman said staff strongly suggests the street be provided through this property to the south.

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01:46:02 Mr. Mindel stated, everything except the 2 undeveloped tracts are commercial or retail. They are R-4, but everything in Jefferson Co. is R-4. One reason this property isn't developed is it doesn't have sanitary sewers. The developers have agreed to extend the sewer line from the west side of Cedar Creek.

01:49:17 Chair Lewis stated, the applicant representatives can work on redesigning the site and come back to LD&T or proceed with the waiver request. Mr. Nichols prefers going back to LD&T based on the comments of the commissioners.

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.

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** this case to the December 10, 2020 LDT meeting to allow the applicant time to submit a plan that shows access to the south as discussed today, update the plan to show a left-turn lane and revise note 12 to reflect timing of the construction.

The vote was as follows:

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

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NEW BUSINESS
CASE NO. 20-MSUB-0004

Request:	Major Preliminary Subdivision with a Waiver
Project Name:	Manslick Development
Location:	5704 East Manslick Road
Owner:	Manslick Development, LLC
Applicant:	Manslick Development, LLC
Representative:	Wyatt, Tarrant and Combs
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
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:

02:02:09 Ms. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

02:05:53 Commissioner Carlson asked how far away the area is (along the Gene Snyder Freeway) that deals with the sound issue. Mr. Luckett said the sound barrier area is 250 feet from the edge of pavement to the nearest travel lane and occupies almost all of open space lot 24 and portions of lots 13 and 12. The structures are outside the buffer area.

The following spoke in favor of this request:

Jon Baker, Wyatt, Tarrant and Combs, 400 West Market Street, Suite 2000, Louisville, Ky. 40202

Kelli Jones, Sabak, Wilson and Lingo, 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

02:07:36 Mr. Baker gave a power point presentation. The proposal is for a R-4 subdivision with 24 platted lots. One of the 24 lots will be an open space lot with detention to compensate for upstream and downstream drainage. This is a major subdivision because of the number of lots requested and the creation of public right-of-way. The existing trees will be preserved to provide screening.

02:11:45 Ms. Jones stated there will be one public street off Manslick Rd. All lots will be accessed off the new road and no direct access to Manslick Rd. from the subdivision. There is a stub to the property to the east, which was a requirement from Metro Public Works and Planning and Design Services. There are requirements in the

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Land Development Code to address Commissioner Carlson's concern regarding traffic noise and this plan meets those requirements. There will be street trees and trees along the Gene Snyder Freeway which will help mitigate the impact of the Gene Snyder Freeway.

Ms. Jones discussed detention and drainage. There is also a note 13 on the development plan regarding drainage.

02:17:48 Mr. Baker continued the power point showing renderings of the proposed homes.

The following spoke in opposition to this request:

Dennis Priddy, 5714 East Manslick Road, Louisville, Ky. 40219

Summary of testimony of those in opposition:

02:19:18 Mr. Priddy stated his main concern is drainage. There is no standing water on his property after a heavy rain and hopes that continues. Another concern is the green space between the 2 properties. Mr. Priddy said he can see the Gene Snyder Freeway from his back porch (through the proposed property) and requests a fence or structure. Also, he will be looking at the backs of the proposed homes and individual buyers don't have requirements to provide fencing. What is the purpose of the stub at the end of the property? Are the sewer lines going to run along the property line for the proposed homes?

02:29:14 Chair Lewis asked Mr. Lockett if all the adjoining properties are zoned the same as the proposed property. Mr. Lockett said yes, they're all R-4, Single Family Residential.

02:29:40 Ms. Jones stated the sanitary sewer and storm pipes will be within the roadway between the proposed lots. The sanitary sewer and drainage easement at Mr. Priddy's property will be a swale. There won't be any buried pipes along Mr. Priddy's property line. Concerning the stub at the property line, it is required by Metro Public Works and Planning and Design Services. The developer does not want to build a fence around the property but allow individuals the right to build or not. Even if it was zoned R-1 (large lots), it would not be required to provide a fence or property perimeter landscape buffer because the Land Development Code and has deemed these types of uses as compatible and do not require buffers. Concerning the drainage through Mr. Priddy's property, the storm system will be designed by looking at the entire water shed coming to the pipe and size the pipe accordingly in order to handle it all. Ms. Jones said she will inform her engineers of the 15-foot wide stream that occurs after a heavy rain (Mr. Priddy's property).

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02:33:19 Mr. Baker added, the developer looked around the area and found there are similar patterns of subdivisions with no perimeter fences.

Deliberation

02:34:42 LD&T 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.

Waiver of Land Development Code section 7.3.30.E to allow more than 15% of the rear yard to be occupied by an easement

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 waiver will not adversely affect adjacent property owners as the rear yards overlap with easements that will only affect the property owners of the new lots; and

WHEREAS, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address drainage easements, and addresses yard requirements only as buffers between incompatible uses. The adjacent uses are not incompatible with the proposed use. The Polo Fields property is zoned residential but it is used as a golf course; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the overlap is made necessary by a easements to the rear of the new lots, which is the appropriate place for easements. Additionally, there is a 25-foot rear yard that is being provided; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds 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 by requiring the applicant to move the easement or extend the rear yards, either of which would reduce the usability of the property.

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RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver of the Land Development Code section 7.3.30.E to allow more than 15% of the rear yard to be occupied by an easement.

The vote was as follows:

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

Development Plan and Binding Elements

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.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Major Preliminary Subdivision Plan **SUBJECT** to the following Conditions of Approval:

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. The applicant shall submit a Tree Preservation Plan for approval by Planning and Design staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
3. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree

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canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

5. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
6. All street signs shall be installed by the Developer and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
7. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
8. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
9. A deed of consolidation or minor plat creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.
10. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
11. No residential structures shall be permitted within 250 feet of the edge of pavement of the Gene Snyder Freeway's nearest travel lane.

The vote was as follows:

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

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NEW BUSINESS
CASE NO. 20-ZONE-0087

Request: Change in zoning from R-7 to UN with development plan and amendment to record subdivision plat

Project Name: Buechel Landing

Location: 4215-4229 Lambert Avenue

Owner: Hugg Properties, LLC; Lee Ann and John Michael Hugg, Jr.; Randall and Theresa Yates; and Marilyn Graham

Applicant: Council of Co-Owners

Representative: Sabak, Wilson & Lingo, Inc.

Jurisdiction: Louisville Metro

Council District: 2 – Barbara Shanklin

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:

02:37:31 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kelli Jones, Sabak, Wilson and Lingo, 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

02:39:46 Ms. Jones gave a power point presentation. There are some nearby R-7 lots that are about the same size as this proposal, but those have non-conforming rights and are grandfathered in. There will be no new construction so the reason for the zoning change is to add property lines between each structure. The 4 lots can't be subdivided under the current zoning because they don't meet the minimum lot size requirements.

02:43:58 Commissioner Peterson asked if there are any landscape requirements. Ms. Jones said they're not adding anything that would trigger landscaping requirements. Commissioner Peterson asked, were there any landscaping requirements when the structures were originally built that weren't followed? Ms. Jones said she's not aware of it.

02:45:39 Commissioner Daniels asked how much space is between the homes. Ms. Jones said at least 10-feet between each building.

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Deliberation

02:46:54 LDT 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.

The Committee by general consensus placed this case on the Consent Agenda for the December 3, 2020 public hearing.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
November 12, 2020

NEW BUSINESS
CASE NO. 20-ZONE-0079

Request: Change in Zoning from U-N to R-6 with Conditional Use Permit for Boarding and Lodging House, Detailed District Development Plan, Binding Elements and Associated Waiver

Project Name: Page 89 House

Location: 531 East Kentucky Street

Owner: Jennifer Terry

Applicant: Jennifer Terry

Representative: Jennifer Terry

Jurisdiction: Louisville Metro

Council District: 4 – Barbara Sexton Smith

Case Manager: Dante St. Germain, 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:

02:49:48 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

02:52:25 Commissioner Carlson asked if there are any photographs or elevations of the existing buildings. Ms. St. Germain said she will provide a google street view photograph of the front of the building at the public hearing. Chair Lewis asked how many borders can be accommodated at this house. Ms. St. Germain said 6.

The following spoke in favor of this request:

Jennifer Terry, 1711 Lily Lane, New Albany, In.

Summary of testimony of those in favor:

02:54:06 Ms. Terry stated her goal is to have 1 house manager and 7 residents. There will be no construction to the outside of the building and there is parking in the rear.

02:55:03 Commissioner Daniels asked if this will be a rehabilitation house. Ms. Terry said it will be a sober living house (women only) who are working on mental issues. The home will be a safe and secure environment.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
November 12, 2020

NEW BUSINESS
CASE NO. 20-ZONE-0079

02:55:57 Commissioner Carlson requests floor plans and outside elevations. Ms. Terry described the home and will bring photographs to the public hearing.

02:58:20 Commissioner Peterson asked if there are licensing procedures and inspections that need to be met for operating the house. Ms. Terry said there will be no treatment at the home (residential only). Ms. Terry said she will research and make sure there are no licensing issues.

02:59:36 Commissioner Daniels stated, the Russell neighborhood has been inundated with rooming houses and they can be problematic. Have you checked with the city to see if you have to meet any special requirements? Ms. Terry said she spoke with David James, Metro Council president, and he wants to make sure these types of houses are above board. Ms. Terry said she wants to do everything she's supposed to do to be in compliance. Ms. Terry also met with the neighborhood association.

03:03:00 Ms. St. Germain stated, there is a requirement in the Land Development Code that mentions licensing for boarding and lodging houses as part of the CUP, conditional use permit. There is definitely a license required by metro and sometimes the state requires a license as well.

Deliberation

03:04:21 LD&T 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.

The Committee by general consensus placed this case on the Consent Agenda for the December 17, 2020 public hearing via Webex.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
November 12, 2020

NEW BUSINESS

CASE NO. 19-ZONE-0091

Request: Change in Zoning from R-4 to R-5A with Detailed District Development Plan and Binding Elements
Project Name: Regency Park
Location: 8816-8820 West Manslick Road, Parcel 104900700000
Owner: Cat VVB LLC
Applicant: Cat VVB LLC
Representative: Wyatt Tarrant & Combs
Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler
Case Manager: Dante St. Germain, 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:

03:06:12 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

03:10:49 Commissioner Brown stated, you said there's not enough width for public right-of-way and the applicant/developer wants to make a private driveway. Is that pavement width? Ms. St. Germain said it's the width between the front of the condos on one side and the front on the other side of the road.

The following spoke in favor of this request:

Jon Baker, Wyatt, Tarrant and Combs, 400 West Market Street, Louisville, Ky. 40202
Derek Triplett, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222
Chris Thieneman, 3510 Bluegrass Park Drive, Louisville, Ky. 40218

Summary of testimony of those in favor:

03:12:12 Mr. Baker gave a power point presentation. There have been 3 in-person meetings and 1 virtual meeting with the neighbors. There has been a lot of feedback and some of the concerns include: drainage and the old trailer park and lack of accountability for the appearance of it. This is an opportunity to provide affordable housing (very needed). There needs to be numerous housing solutions and not just conventional apartment complexes. The proposal is a condominium regime' of mini-houses which will be built and brought to the site to be permanently placed on a foundation.

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CASE NO. 19-ZONE-0091

Mr. Baker described the area. There will be perimeter screening. The number of units was decreased a couple of times.

03:26:16 Mr. Triplett stated the roadways are in bad shape but still existing on site. To keep the proposed units as affordable as possible, it makes sense to utilize the existing roadway network and make revisions/repairs as needed. The main drive is currently located within an access easement. The lots will be consolidated so the access easement will not be required any longer and can be released. There will be open space and other community recreational facilities within the development to provide amenities to the residents of this community. Some of the amenities include: pool, playground, picnic tables and gazebo. There will be walkways. The drainage will be collected and diverted off-site. There will also be dense plantings along the perimeter of the property as required. The stormwater will be captured on the property with swales, catch basins and underground pipes and diverted through the adjacent MSD property and outlet it to Pond Creek. The parking spaces will be adjacent to the clubhouse.

03:34:24 Mr. Baker showed some renderings of the small homes and the owners will be able to have input on the exterior design. The interior is small but there is a market for these types of homes. The same building materials will be used in small homes just as they are in larger homes.

03:37:20 Ms. Liu asked, even though the homes are built off-site, do they still meet the local building codes? Mr. Baker said they have to pass international building code as well as local. Also, can you elaborate more on the private street. Mr. Baker answered, no streets are proposed as it's going to be one lot. The driveways were a part of serving the previous use and it was taken over as is. It will be rebuilt so the driveway meets specifications in terms of how it's built, will meet a level of quality (durable) and Metro Public Works can inspect it. They aren't streets, public or private.

The following spoke in opposition to this request:

Renee Davis, 2907 Blevins Gap Road, Louisville, Ky.
John Nolte, 107 Ridge Lake Circle, Peachtree City, Georgia
Councilwoman Cindi Fowler, 14206 Polystaff Road, Louisville, Ky. 40272

Summary of testimony of those in opposition:

03:39:19 Ms. Davis stated this proposal is the same as the former trailer park. Manslick Rd. will not be able to handle the additional traffic – a turning lane is needed. The proposal does not fit into the neighborhood development plan (density). This proposal will be the first of its kind in Jefferson County.

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03:41:14 Mr. Nolte said he is an adjacent property owner and would like to know the final number of units being proposed. Also, can the fire department adequately access the development?

03:42:02 Councilwoman Fowler stated she has the following concerns regarding this development: rural location with no sidewalks; no amenities close-by (not even accessible convenient store); modular-built home and the fact that the lots will not be owned by persons who build the homes – Will there be a lot rent?; What is the cost of the home?; What happens if a person builds a home, falls on hard times and loses their home, will it be sold or become a rental property?; Also, did the last neighborhood meeting pertain to this plan?

03:45:13 Mr. Baker said 95 units are being proposed. There is no lot rent as it's being set up as a condominium regime' – each unit will be owned by the resident. Once the Condo Association is turned over, collectively all residents will own the property. Mr. Thieneman said the cost per unit will be \$90,000 - \$100,000. Mr. Baker stated, the proposal is R-5A (not high for area) and there are a number variety of densities in the area. There's a convenient store not far away from the proposed site. The proposal is compatible, especially given the history of this site and its proximity to job sources. It's a great opportunity to put in some quality units at an affordable price with a creative design. Mr. Triplett said fire trucks will be able to access the property. Commissioner Carlson asked for the pavement width. Mr. Triplett said between 28 and 29 feet wide, some width will be dedicated to a walkway, which will leave 24 to 25 feet. Commissioner Carlson asked if there are any measures being taken to keep people from parking on the street. Mr. Triplett said it will be put in the Condo Association regulations. Also, each lot has extended driveways and garages for parking. Commissioner Carlson said some people may have large families and parking can spill out into the streets. This could be an issue for emergency vehicles. Mr. Triplett said these homes are not really made for large families. Commissioner Brown asked what the fees would be for the common area and maintenance. Mr. Thieneman said the Condo Association will make the determination of how much to collect. Commissioner Brown asked if the roads will support a 30-ton fire truck. Mr. Triplett said he doesn't know but can do some testing to find out. Mr. Thieneman said that's one of the first things his contractor wants to do is see what they're working with to determine a price. Commissioner Carlson said that information needs to be known sooner rather than later. Mr. Baker said it should be done at the construction phase. Ms. Liu said there should be a binding element. Ms. St. Germain said she doesn't have the language for that binding element at this time. Mr. Triplett said note 9 on the plan states: Existing drive lanes shall be modified to meet Public Works standards. Commissioner Brown asked what will be done regarding 6.2.1D requiring the directors of Public Works and Planning and Design Services to approve the situation of the private driveways on these lots. Mr. Baker said they're not creating private streets and they're not individual lots. Ms. Liu said a justification is needed regarding the street issue.

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NEW BUSINESS
CASE NO. 19-ZONE-0091

Deliberation

04:14:33 LD&T 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.

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

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the December 10, 2020 LDT meeting to allow the applicant and staff time to review the public/private road issue.

The vote was as follows:

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

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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The meeting adjourned at approximately 5:16 p.m.

Chair

Planning Director

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES November 12, 2020

The meeting adjourned at approximately 5:16 p.m.

DocuSigned by:

Chair

DocuSigned by:

Planning Director

