

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
May 13, 2021**

A meeting of the Land Development and Transportation Committee was held at 1:00 p.m. on Thursday, May 13, 2021 via Webex Teleconferencing.

Committee Members present were:

Rob Peterson, Chair
Te'Andre Sistrunk, Vice Chair – Arrived at 1:05
Richard Carlson
Ruth Daniels
Jeff Brown

Staff Members present were:

Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Joel Dock, Planner II
Jay Lockett, Planner I
Zach Schwager, Planner I
Laura Ferguson, Legal Counsel
Beth Stuber, Engineering Supervisor
Pamela M. Brashear, Management Assistant

Others present:

Tony Kelly, MSD

The following matters were considered:

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APPROVAL OF MINUTES

APRIL 22, 2021 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 April 22, 2021.

The vote was as follows:

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

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

21-STRCLOSURE-0008

Project Name: Cedar Creek R/W
Location: Cedar Creek Road (7509/7710 Cedar Creek Rd)
Owner(s): Louisville Metro
Applicant: Hogan Real Estate
Representative(s): Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
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:

00:05:35 Joel Dock discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl

Summary of testimony of those in favor:

Cliff Ashburner gave a power point presentation. There's a grade change in the area of the closure (10-12 feet) (see recording for detailed presentation).

Deliberation

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 Carlson, seconded by Commissioner Sistrunk, the following resolution based on the Standard of Review and Staff Analysis and Applicant's presentation was adopted.

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NEW BUSINESS

21-STRCLOSURE-0008

RESOLVED, that the Louisville Metro Planning Commission does hereby **PLACE** this case on the Consent Agenda of the May 20, 2021 Planning Commission meeting.

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

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NEW BUSINESS

21-DDP-0049

Project Name: Norton Audubon Hospital
Location: 2355 Poplar Level Road
Owner(s): Faulkner Hinton Audubon II LLC
Applicant: Adam Lewis – Norton Hospitals, Inc.
Representative: Chris Brown – BTM Engineering, Inc.
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Zach Schwager, 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:

00:19:58 Zach Schwager discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Chris Brown, BTM Engineering, Inc. 3001 Taylor Springs Drive, Louisville, Ky.

Summary of testimony of those in favor:

Chris Brown gave a power point presentation. The associated modified conditional use permit was approved at the May 3, 2021 Board of Zoning Adjustment meeting. The development plan specifics include the following: accessory structure addition; learning center addition; it is Land Development Code compliant; and a binding element has been updated to reflect the square footage.

Deliberation

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.

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NEW BUSINESS

21-DDP-0049

Revised District Development Plan for a new accessory structure and an addition to the existing hospital and replacement of an existing binding element

On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution based on the Standard of Review and Staff Analysis and Applicant's testimony was adopted.

WHEREAS, there are no significant natural or historic resources on the subject site; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation have been provided around and within the proposed development. Transportation Planning has approved the preliminary development plan; and

WHEREAS, there are no open space requirements applicable to this proposal; and

WHEREAS, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions 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 Louisville Metro Land Development & Transportation Committee finds, the overall site design and land uses are compatible with the existing and future development of the area. Adequate screening and buffering is provided around the subject site; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the proposed development plan conforms to the Comprehensive Plan and the Land Development Code.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised District Development Plan for a new accessory structure and an addition to the existing hospital and replacement of an existing binding element (3), **SUBJECT** to the following Binding Elements:

Binding Elements

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 for review and approval; any changes/additions/alterations not so referred shall not be valid.

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21-DDP-0049

1a. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.

2. Use of the subject site shall be limited to a hospital. There shall be no other use of the property unless prior approval is obtained from the (Planning Commission/ LD&T Committee). Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The (Planning Commission/LD&T Committee) may require a public hearing on the request to amend this binding element.

3. The development shall not exceed 491,071 square feet of gross floor area for lot 3.

4. 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.

5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:

a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.

b. The appropriate (variances (or conditional use permit) shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.

c. 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.

d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

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6. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.

7. 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.

8. A legal instrument providing for the long-term use of the (off-site parking spaces or joint-use parking spaces), as shown on the approved general district development plan and in accordance with (Section 9.1.5 Off-Site Parking or Section 9.1.6 Joint Use Parking), shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

9. 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.

10. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.

11. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:

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A. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site on which (all existing vegetation; all trees greater than 2" in caliper; selected trees as shown on the plan) shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost thru natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/Landscape Plan.

B. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.

C. Tree protection fencing shall be erected adjacent to all WPAs prior to Site Disturbance Approval (Clearing & Grading) to protect the existing tree stands and their root systems. The fencing shall be located at least three (3) feet from the outside edge of the tree canopy and shall remain in place until all construction is completed.

D. No parking, material storage or construction activities are permitted within WPAs

E. During all construction activity (includes clearing, grading, building construction, and VUA construction) a copy of the approved Tree Preservation Plan shall be on-site.

F. The site shall be developed in accordance with the Woodland Protection Areas delineated on the site plan and related notes. Any modification of Woodland Protection Areas requires notification of adjoining property owners and LD&T action.

G. Prior to any site disturbance permit being issued and prior to any clearing, grading, or the issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.

12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 2, 2016 DRC Planning Commission meeting.

13. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

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The vote was as follows:

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

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NEW BUSINESS

21-DDP-0029

Project Name: Fordham Park
Location: 13501 Factory Ln
Owner(s): Pulte Homes of Ohio LLC
Applicant: Pulte Homes of Ohio LLC
Jurisdiction: Louisville Metro
Council District: 17 – Markus Winkler
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.)

Agency Testimony:

00:36:26 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kelli Jones, 608 S. 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

Kelli Jones gave a power point presentation (see recording for detailed presentation).

Deliberation

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.

Revised Detailed District Development Plan with revisions to 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.

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WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

WHEREAS, 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 Louisville Metro Land Development & Transportation Committee finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan, **SUBJECT** to the following Binding Elements:

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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
3. 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

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activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree 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."

4. All street signs shall be installed by the Developer and shall conform to 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.

5. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public rights of way as shown on the preliminary subdivision plan. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.

6. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity, unless approved by the Louisville Metro Planning Commission. A note to this effect shall be placed on the record plat.

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. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

9. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

10. 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

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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.

11. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.

b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs and other issues required by these binding elements / conditions of approval.

c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

12. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.

13. Any signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.

14. An Individual Historic Resource Survey Form shall be completed for any historic resources on the subject site. The documentation must occur prior to the issuance of a demolition permit or ground disturbance at the site. The documentation shall be submitted to Urban Design/Historic Preservation Staff upon completion.

15. The Developer shall contribute a sum, not to exceed \$56,200, as a sharing of cost for roadway improvements within the Factory Ln right-of-way. Payment of the cost share shall be made within 30 days of receiving a written request by the Louisville Metro Public Works and Assets.

The vote was as follows:

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

Revised Major Preliminary Subdivision Plan

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NEW BUSINESS

21-DDP-0029

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 Revised Major Preliminary Subdivision Plan.

The vote was as follows:

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

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NEW BUSINESS

20-DDP-0064

Project Name:	Orell Station
Location:	7302 W Orell Rd
Owner(s):	Orell Development LLC
Applicant:	Orell Development LLC
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.)

Agency Testimony:

00:50:17 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Chris Crumpton, Bluestone Engineers, 3703 Taylorsville Road, Louisville, Ky. 40204

Summary of testimony of those in favor:

Chris Crumpton gave a power point presentation (see recording for detailed presentation).

Deliberation

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.

Revised Detailed District Development Plan

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.

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NEW BUSINESS

20-DDP-0064

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

WHEREAS, 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 Louisville Metro Land Development & Transportation Committee finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan, **SUBJECT** to the following Binding Elements and Condition of Approval:

Binding Elements

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. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

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NEW BUSINESS

20-DDP-0064

2. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following:

- a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable)
- b. Preliminary drainage considerations (retention/detention, ditches/swales, etc.).
- c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
- d. Location of construction fencing for each tree/tree mass designated to be preserved.

3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance permit) is requested:

- a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
- b. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
- c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
- d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.

4. A note shall be placed on the preliminary plan, construction plan, and the record plat that states, "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."

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

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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. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, or construction activity and shall be made available to any DPDS inspector or enforcement office upon request.

7. All plans setting out Tree Canopy Protection Areas (TCPAs) must contain the following notes:

- a. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. As trees are lost thru natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as specified on the approved development or preliminary subdivision plan.
- b. Dimension lines have been used on this plan to establish the general location of TCPAs and represent the minimum distances. The final boundary for each TCPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
- c. Tree protection fencing shall be erected around all TCPAs prior to site disturbance to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed, the fence shall be relocated to protect all remaining trees within that TCPA.
- d. No parking, material storage, or construction activities are permitted within the TCPAs beyond that allowed for preliminary site investigation work.
- e. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access

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ways beyond proposed roadways to assess individual lots shall not exceed twelve (12) feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at breast height (DBH) shall be removed without prior approval by DPDS.

8. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

- a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
- b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, TCPAs, WPAs.
- c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

9. 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.

10. 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.

11. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of the Chapter 10, Part 1 of the

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LDC. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 09, 2017 meeting of the Land Development & Transportation Committee.

13. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall (1) provide sufficient funds to ensure there is no less than \$3000 cash in the homeowner's association account and (2) provide public amenities in the designated open space areas to be reviewed and approved by the staff Landscape Architect.

14. The signature entrance plan shall be submitted to Planning Commission staff for review and approval prior to recording of the Record Plat.

15. The applicant shall provide a wetlands determination letter from the US Army Corps of Engineers for this site prior to any clearing, grading, or construction. If wetlands are identified, the applicant shall demonstrate to the Planning Commission that the wetlands on site will be preserved or shall revise the plan to mitigate any impact on the wetlands. The location of any wetlands and associated buffers must be identified on construction plans and/or record plats.

16. 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 approval of 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.

17. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right-of-way for Road A. Such signs shall be installed prior to release of bonds for the installation of street infrastructure.

18. 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.

19. Developer shall provide irrigation systems to ensure that the signature entrance to be located along West Orell Road is properly watered.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
May 13, 2021

NEW BUSINESS

20-DDP-0064

20. The applicant shall provide a 20-foot pedestrian easement to Louisville Metro for public access to extend the Orell Road sidewalk from Lower River Road west along the northern property line of Tract 5 as shown on approved plan 9-10-07 to the Ohio River Levee Trail to be recorded on the record plat. Developer is not responsible for the building of the sidewalk.

Condition of Approval

1. The ADA compliant pedestrian connection sidewalks shall be added to the cluster of mailboxes.

The vote was as follows:

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

Revised Major Preliminary Subdivision Plan

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 Revised Major Preliminary Subdivision Plan.

The vote was as follows:

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

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
May 13, 2021

NEW BUSINESS

20-ZONE-0120

Request:	Change in zoning from R-4 to R-6, with Detailed District Development Plan and Binding Elements and Waiver
Project Name:	6001 Outer Loop Apartments
Location:	6001 Outer Loop
Owner:	Mive Property LLC
Applicant:	Mive Property LLC
Representative:	Bardenwerper, Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
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:

01:06:36 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

The following spoke in favor of this request:

John Talbott, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Marv Blomquist, Blomquist Design Group, 10529 Timberwood Circle Suite D, Louisville, Ky. 40223

Summary of testimony of those in favor:

John Talbott gave a power point presentation (see recording for detailed presentation).

Marv Blomquist continued with the power point presentation (see recording for detailed presentation).

The following spoke in opposition to this request:

John Parker, 5209 Briscoe Ridge Lane, Louisville, Ky. 40219

Summary of testimony of those in opposition:

John Parker said there was no discussion regarding a fence and he doesn't like the fact that the building will be 3-stories. Also, how will the runoff be handled?

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
May 13, 2021

NEW BUSINESS

20-ZONE-0120

Rebuttal:

Mr. Talbott said Mr. Parker's comments need to be addressed at the Planning Commission meeting (not technical issues). There will be a fence. Mr. Blomquist answered the stormwater questions (see recording for detailed presentation).

Deliberation

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 Sistrunk, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby set a public hearing for the June 17, 2021 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Sistrunk and Peterson

NO: Commissioners Carlson and Daniels

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
May 13, 2021

NEW BUSINESS

21-ZONE-0014

Project Name: The Haymarket
Location: 3020 River Road
Owner(s): Riverbend Farms II, LLC
Applicant: Ashbourne Farms
Representative(s): Dinsmore & Shohl, LLP
Jurisdiction: Louisville
Metro Council District: 9 – Bill Hollander
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:

02:08:23 Joel Dock discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl
Kelli Jones, Sabak, Wilson and Lingo, 608 S. 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

Cliff Ashburner gave a power point presentation (see recording for detailed presentation).

Kelli Jones continued the presentation (see recording for detailed presentation).

The following spoke neither for nor against the request:

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299
Meme Sweets Runyon, President and CEO of River Fields, 1201 Story Avenue, Suite 215, Louisville, Ky. 40206

Summary of testimony of those neither for nor against:

Steve Porter said this proposal has the potential of being an outstanding addition to that neighborhood (design, concept and use). Some uses need to be excluded.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

21-ZONE-0014

Meme Sweets Runyon stated River Fields has never supported rezoning to commercial on the scenic by-way. River Fields is pleased with this proposal. There will be a binding element drafted related to easements (see recording for detailed presentation).

Rebuttal

Mr. Ashburner said this proposal can be a catalyst for improvements in several different areas (conservation easements, unified plan for gateway) (see recording for detailed presentation).

Deliberation

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 Carlson, seconded by Commissioner Daniels, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **SCHEDULE** this case for the June 17, 2021 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Carlson, Daniels and Peterson

NO: Commissioner Sistrunk

NOT PRESENT AND NOT VOTING: Commissioner Brown

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
May 13, 2021

NEW BUSINESS

21-ZONE-0090

Project Name: LDG Hikes Lane Apartments
Location: 3042 Hikes Lane
Owner(s): Roman Catholic Bishop of Louisville
Applicant: LDG Development, LLC
Representative(s): Dinsmore & Shohl, LLP
Jurisdiction: Louisville
Metro Council District: 26 – Brent Ackerson
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:

03:08:02 Joel Dock discussed the case summary from the staff report and indicated that the application was/was not ready for a public hearing.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, LLP, 101 S. 5th Street, Louisville, Ky. 40202
John Campbell, 642 S. 4th Street, Suite 100, Louisville, Ky. 40202

Summary of testimony of those in favor:

Cliff Ashburner gave a power point presentation (see recording for detailed presentation).

Commissioner Carlson asked if the work being done on Hikes Ln. will encompass the full length. Beth Stuber said no.

Commissioner Carlson asked if the mature trees along the Hikes Ln. frontage will be preserved. John Campbell said none of them will be preserved (all new plantings).

The following spoke neither for nor against the request:

Randy Strobo, 239 S. 5th Street, Suite 917, Louisville, Ky. 40202

Summary of testimony of those neither for nor against:

Randy Strobo said he represents the St. Michael Orthodox Church. The church has submitted a letter into the record and to Mr. Ashburner. The 3-story proposal is too tall

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

21-ZONE-0090

and 2-stories would be more appropriate for the surrounding neighborhood (see recording for detailed presentation).

The following spoke in opposition to this request:

Diane Kemper, 8112 Locking House Lane, Louisville, Ky. 40220

Lacretia Elliott, 3201 Mid Dale Lane, Louisville, Ky. 40220

Jean Smith, 351 El Conquistadore Place, Louisville, Ky. 40220

Debbie McKnight, 4107 Landside Drive, Louisville, Ky. 40220

Summary of testimony of those in opposition:

Diane Kemper stated there are too many apartments in the area. The proposal is not desirable.

Lacretia Elliott is concerned about the long-term aspect of the development. There will be more issues with more apartments. It will bring down the property values. Condos or houses would be a better choice.

Jean Smith said the project is too dense. Traffic is also a major issue and there's very little green space.

Debbie McKnight asked how the flood plain will affect the creek and residents on Mid Dale. Also, how is the increased traffic, which will only have access on Hikes Ln., going to affect future upkeep once it's redone (wear and tear of new road). Beth Stuber said there will be a significant amount of traffic on Hikes Ln., but upkeep will be the city's responsibility.

Rebuttal

Cliff Ashburner said he will continue conversations with St. Michael and will try to come up with some design elements that will work. There will be binding elements dealing with karst and blasting.

Cliff Ashburner said he doesn't know if there will be blasting but if needed, will follow all guidelines and regulations. There will be a buffering between the parking in the rear and adjacent properties to the south (see recording for detailed presentation).

Commissioner Carlson requests that Mr. Ashburner provide a copy of the state blasting regulations. Mr. Ashburner agreed.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

21-ZONE-0090

Deliberation

LD&T deliberation.

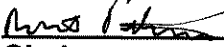
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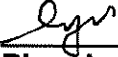
The Committee by general consensus placed this case on the June 7, 2021 Planning Commission public hearing at the Jeffersonian, 6:00 p.m.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
May 13, 2021

ADJOURNMENT

The meeting adjourned at approximately 5:15 p.m.

DocuSigned by:

Chair

DocuSigned by:

Planning Director