

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

July 22, 2021

A meeting of the Land Development and Transportation Committee was held at 1:00 p.m. on Thursday, July 22, 2021 via Webex Teleconferencing.

Committee Members present were:

Richard Carlson
Jeff Brown
Ruth Daniels

Committee Members absent were:

Rob Peterson, Chair
Te'Andre Sistrunk, Vice Chair

Staff Members present were:

Joseph Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Joel Dock, Planner II
Dante St. Germain, Planner II
Jay Lockett, Planner I
Laura Ferguson, Legal Counsel
Madison Thomas, Management Assistant

Others Present:

Beth Stuber, Transportation Planning
Tony Kelly, MSD

The following matters were considered:

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Approval of Minutes

Approval of the minutes of the July 8, 2021 Land Development and Transportation Committee meeting.

00:05:36 On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on July 8, 2021.

The vote was as follows:

YES: Commissioners Daniels, Carlson, and Brown.

NO: No one.

ABSENT: Commissioners Sistrunk and Peterson.

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New Business

Case No. 20-STRCLOSURE-0019

Request:	Closure of Public Right-of-Way
Project Name:	Wayside Alley Closure
Location:	Alley east of S Preston Street between 432 E Jefferson Street and 323 S Preston Street
Owner:	Wayside Christian Mission
Applicant:	Wayside Christian Mission
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Jay Lockett, AICP, Planner I

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and 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:

00:06:25 Jay Lockett presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.)

Joe Reverman asked if they discussed a turnaround for that existing alley. Jay Lockett responded that it was not mentioned and there were not comments made on the issue.

Commissioner Brown asked if Wayside would still be using the North-South alley to access their site. Jay Lockett said he believed that was correct and explained the reasoning for the closure.

In response to Commissioner Carlson's question about fire department approval, Jay Lockett said they did not respond with any comments. Commissioner Carlson also asked about a gate in which Jay Lockett explained the fencing and gate that would be used.

The following spoke in support of the request:

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Randall Webber, 325 E Kentucky Street, Louisville, KY 40203

Summary of testimony of those in support:

00:10:22 Randall Webber said it was a very narrow alley. He explained that regarding emergency access, the Fire Department usually utilizes Jackson Street. He said they could also use their former front entrance on Jefferson as well. He added that they did reach out and make sure there were no objections from adjoining property owners. They are ready to move forward.

Joe Reverman asked about the fence and lock gate. Randall Webber said he would have to check if they are still going to use those or put up some other barrier.

Commissioner Brown asked if there was any public alley right-of-way under the interstate right-of-way. Randall Webber said he believes they have the use under the interstate for parking. There was more discussion about the right-of-way.

Commissioner Carlson asked if they could ensure the gate could provide access if necessary.

The following spoke in opposition to the request:

No one spoke.

00:18:20 Commissioners' deliberation.

An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution was adopted:

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New Business

Case No. 20-STRCLOSURE-0019

The Land Development and Transportation Committee does hereby **APPROVE** case number 20-STRCLOSURE-0019 to be placed on the consent agenda at the **August 5, 2021** Planning Commission meeting.

The vote was as follows:

YES: Commissioners Daniels, Carlson, and Brown.

NO: No one.

ABSENT: Commissioners Sistrunk and Peterson.

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New Business

Case No. 21-DDP-0061

Request:	Revised Detailed District Development Plan with site design and landscape waivers
Project Name:	Hurstbourne Town Center – Tract 6
Location:	9351 Viking Center Drive
Owner:	Viking Partners Hurstbourne
Applicant:	Viking Partners Hurstbourne
Representative:	Land Design & Development, Inc.
Jurisdiction:	City of Hurstbourne
Council District:	18 – Marilyn Parker
Case Manager:	Joel P. Dock, AICP, Planner II

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and 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:

00:20:20 Joel Dock presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.) This is a revision to the approved development plans in 2018.

The following spoke in favor of the request:

Ann Richard, 503 Washburn Ave, Louisville, KY 40222

Summary of testimony of those in favor:

00:27:25 Ann Richard, the applicant's representative, went into further detail on the project with a PowerPoint presentation (see video for detailed presentation.) She explained this would be a change in use from the last plan as it was intended for a restaurant but would now be used for a dental office.

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Commissioner Carlson asked if there was enough parking space for this development. Ann Richard said because this was apart of a huge development that there was enough parking in the area even with the spaces that would be lost from the dental office being added. She said there was a shared parking agreement throughout the development. Joel Dock said there was a total of 1,700 parking spaces and the multi-family has a parking garage.

The following spoke in opposition to the request:

No one spoke.

00:37:00 **Commissioners' deliberation.**

An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution was adopted:

Waiver of Land Development Code section 5.5.1.A.1 to not face entrances towards public streets or a focal point:

WHEREAS, the waiver will not adversely affect adjacent property owners as the orientation of the structure is not anticipated to reduce interaction with adjacent owners or detract from the character of the center.

WHEREAS, the Town Center Form District is defined by buildings that are generally close to and oriented toward the street. These characteristics strengthen the role of the Town Center as a community focal point. The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. Town Centers are easily disrupted by new forms of development. Therefore, the harmony and compatibility of infill and redevelopment in town centers should receive special attention. The establishment of new town centers requires a high

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level of planning and design. The center has been previously disrupted and the character no longer conforms to these principles, nor is it anticipated that the center will be developed in a fashion consistent with the Town Center Form; thus, deviation from these principles is in keeping with the previously approved and proposed pattern of development for the center.

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant has appropriately requested the waiver and the relief is consistent with the overall approved and proposed plans for the center.

WHEREAS, the strict application of the regulation would deprive the applicant of the reasonable use of the land as prior approvals have omitted many of the standards of the Town Center form district and further application of these standards without strict compliance for the remainder of the center would be unnecessary.

Waiver from the Land Development Code section 10.3.5.A.1 to allow the building to encroach upon the 30' parkway buffer and setback:

WHEREAS, the waiver will not adversely affect adjacent property owners as the relief requested is not anticipated to reduce interaction with adjacent owners or detract from the character of the center.

WHEREAS, the Town Center Form District is defined by buildings that are generally close to and oriented toward the street. These characteristics strengthen the role of the Town Center as a community focal point. The Town Center should have a high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities. Town Centers are easily disrupted by new forms of development. Therefore, the harmony and compatibility of infill and redevelopment in town centers should receive special attention. The establishment of new town centers requires a high level of planning and design. The center has been previously disrupted and the character no longer conforms to these principles, nor is it anticipated that the center will be developed in a fashion consistent with the Town Center Form; thus, deviation from these principles is in keeping with the previously approved and proposed pattern of development for the center.

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WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant has appropriately requested the waiver and the relief is consistent with the overall approved and proposed plans for the center.

WHEREAS, the strict application of the regulation would deprive the applicant of the reasonable use of the land as prior approvals have omitted many of the standards of the Town Center form district and further application of these standards without strict compliance for the remainder of the center would be unnecessary.

The Land Development and Transportation Committee does hereby **APPROVE** the Waiver of Land Development Code section 5.5.1.A.1 to not face entrances towards public streets or a focal point and the Wavier from the Land Development Code section 10.3.5.A.1 to allow the building to encroach upon the 30' parkway buffer and setback, based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Daniels, Carlson, and Brown.

NO: No one.

ABSENT: Commissioners Sistrunk and Peterson.

On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution was adopted:

Revised Detailed District Development Plan:

WHEREAS, the proposed development does not appear to impact natural resources as the existing conditions of the subject site consist primarily of impervious surfaces.

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community has been provided. Sidewalk connectivity to each road fronting the development site are provided and vehicular connectivity is provided form internal roadways form Whittington parkway.

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WHEREAS, provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided through landscape and tree canopy.

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.

WHEREAS, the overall site design and land uses are compatible with prior approvals and future development.

WHEREAS, the development plan conforms to the comprehensive plan as the redevelopment is occurring on a previously developed site.

Existing 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 and the City of Hurstbourne for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no direct vehicular access to Hurstbourne Parkway or Shelbyville Road.
3. There shall be no street parking marked, constructed, or allowed, on Whittington Parkway and the plan shall be revised to remove street parking that it shows on Whittington Parkway
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested for each tract:
 - a. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10

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- b. A subdivision plat creating the tracts as shown on the approved district development plan shall be recorded.
 - c. Renderings of each building shall be provided to Planning and Design Services staff and to the City of Hurstbourne for review and incorporation into the case file, excluding the renderings for the apartment project on Tract 1, which shall be substantially similar to those presented to the Planning Commission and the City of Hurstbourne in connection herewith.
 - d. A cross access and shared parking agreement shall be recorded for all tracts as shown on the approved detailed district development plan. A blanket cross parking and access easement shall satisfy this requirement.
 - e. The applicant shall receive the approval of MSD that its construction plans comply with current drainage requirements.
- 5. Except as otherwise permitted by the City of Hurstbourne sign ordinance, no outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted. All signs must be in compliance with City of Hurstbourne ordinances and applicant must obtain City of Hurstbourne sign permits for any signage.
 - 6. 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.
 - 7. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
 - 8. The applicant shall provide documentation to Planning and Design Services staff for incorporation into the case file showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
 - a. Mounting Height Limit
 - b. Luminaire Shielding
 - c. Canopy Lighting Level
 - d. Light Trespass

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9. The applicant, its successors and assigns, shall maintain the apartments and site in a high state of repair, including, but not limited to:
 - A. Maintenance of exterior finishes, no peeling paint, broken or nonfunctioning light fixtures, holes in the exterior, windows, and stairways in good condition.
 - B. Maintenance of grounds, including regular mowing, landscape upkeep and replacement of any plant material which might die, sidewalks repaired, exterior light kept functioning, common areas picked up and kept clean.
 - C. Maintenance of parking and all interior access roads, no significant pavement degradation allowed, no abandoned cars allowed to remain in parking area, snow removal, keeping any signage painted and well kept.

10. The applicant, its successors and assigns, shall develop a set of rules and regulations for the residents of the apartments, to help insure that the structures and grounds remain in a high state of repair and provide those rules to the City of Hurstbourne.

11. The applicant, its successors and assigns, agree that during the construction phase, the site shall be kept mowed and picked up, to the greatest extent possible, given the necessities of the construction operations. Construction vehicles shall not cut through Hurstbourne local access streets and shall be directed to access the site through Whittington Parkway.

12. 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.

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The Land Development and Transportation Committee, in case 21-DDP-0061, does hereby **RECOMMEND** the City of Hurstbourne **APPROVE** the Revised Detailed District Development Plan for Lot 6 with no changes to the Binding Elements, based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Daniels, Carlson, and Brown.

NO: No one.

ABSENT: Commissioners Sistrunk and Peterson.

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New Business

Case No. 21-ZONE-0052

Request:	Change in Zoning from R-4 to PRD, with Detailed District Development Plan/Major Preliminary Subdivision and Binding Elements, and Waiver
Project Name:	Crosby Farm Subdivision
Location:	9300 Old Bardstown Road & Parcel ID 066600250000
Owner:	Quartz Enterprises Inc.
Applicant:	Quartz Enterprises Inc.
Representative:	Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Dante St. Germain, AICP, Planner II

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:40:48 Dante St. Germain presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Kathy Linares, 5151 Jefferson Blvd, Louisville, KY 40219

Summary of testimony of those in favor:

00:48:05 Kathy Linares, the applicant's representative, went into further detail on the development (see video for detailed presentation.) She gave a site context overview by showing other multi-family residences in the area. She also discussed the waiver in more detail.

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Commissioner Brown asked if there were any open space lots that aren't in the easement or detention basin. Kathy Linares said there were not. Commissioner Brown also asked what the front yard setbacks were. Kathy Linares responded that they were 15 feet.

Commissioner Brown asked why they weren't providing a left turn lane on Old Bardstown Road. Kathy Linares responded that the traffic report did not indicate that one was needed. There was further discussion on the traffic study and the left turn lane.

Tony Kelly, MSD, addressed concerns about the water related issues.

The following spoke in opposition to the request:

Christy Justice, 9912 Tuscan Ridge Drive, Louisville, KY 40291

Jeane Noland, 9914 Tuscan Ridge Drive, Louisville, KY 40291

Summary of testimony of those as opposition:

01:10:21 Christy Justice described issues with her yard not being graded properly and standing water, the subdivision not being maintained properly, water pressure, and traffic concerns.

Jeane Noland said she wanted to reiterate the drainage issues.

Rebuttal

01:25:47 Kathy Linares said they would also reach out to the Louisville Water Company to find a solution to the drainage and water issues. They are committed to correcting the ditch along the shared property line to the north.

01:26:27 Commissioners' deliberation.

An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning &

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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 scheduled this case to be heard at the **August 19, 2021** Planning Commission public hearing.

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The meeting adjourned at approximately 2:33 p.m.

Chairman

Division Director