

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

August 12, 2021

A meeting of the Land Development and Transportation Committee was held at 1:00 p.m. on Thursday, August 12, 2021 at the Old Jail Auditorium at 514 W. Liberty Street.

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
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 22, 2021 Land Development and Transportation Committee meeting.

00:04:54 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 22, 2021.

The vote was as follows:

YES: Commissioners Daniels, Carlson, and Brown.

NO: No one.

ABSENT: Commissioners Sistrunk and Peterson.

**MINUTES OF THE MEETING
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New Business

Case No. 21-MSUB-0012

Request:	Major Preliminary Subdivision Plan with Conditions of Approval
Project Name:	Ashbrook Gardens Section 3
Location:	11100 Garden Trace Drive
Owner:	David A Guelda Builder Inc
Applicant:	David A Guelda Builder Inc
Jurisdiction:	Louisville Metro
Council District:	13 – Mark Fox
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:

00:06:18 Jay Lockett presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Karl Lentz, 4010 Dupont Circle Suite 478, Louisville, KY 40207

Summary of testimony of those in support:

00:09:33 Carl Lance, the applicant's representative, went into more detail on the Preliminary Subdivision Plan via PowerPoint (see video for detailed presentation.)

The following spoke in opposition to the request:

Danny Risen, 5517 Antle Drive, Louisville, KY 40229

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Case No. 21-MSUB-0012

Summary of testimony of those in opposition:

00:15:16 Danny Risen explained that his main concern with this subdivision is the water issues in the area and he believes this proposal would negatively affect his and other's properties. Commissioner Carlson explained the processes MSD uses to approve plans. Danny Risen asked if MSD had already given approval to this plan. Commissioner Carlson responded that they have given preliminary approval and there is still a process to go through.

00:21:45 Tony Kelly, MSD, addressed the drainage concerns and this project's plan to handle those issues. He thinks this project will have a positive impact on the surrounding properties.

00:25:00 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:

Proposed 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 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 information:

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- 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/large 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. 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.
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 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. 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.
6. 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.
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.

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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 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.
 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.
12. 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.

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13. If proposed, the signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
14. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area.

The Land Development and Transportation Committee does hereby **APPROVE** the Major Preliminary Subdivision Plan with Conditions of Approval for case number 21-MSUB-0012, with the added condition that the reference note be updated on the Hammerhead to note number 13, 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-0053

Request:	Change in Zoning from R-7 to UN, amendment to record plat, variance, waiver, and development plan
Project Name:	De Luna Villaflor Subdivision
Location:	3133 Bushmill Park
Owner:	Equity Trust Company
Applicant:	Brentwood Properties
Jurisdiction:	Louisville Metro
Council District:	17 – Marcus Winkler
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:

00:27:30 Joel Dock presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.) He explained the case summary and the applicant's development plan in detail.

The following spoke in favor of the request:

No one spoke.

The following spoke in opposition to the request:

No one spoke.

00:34:44 Commissioners' deliberation.

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New Business

Case No. 21-ZONE-0053

The applicant was not present, however, due to there being no technical questions from the committee or opposition, the committee went forward with scheduling a public hearing date.

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.

The Committee by general consensus scheduled this case to be heard at the **September 2, 2021**, Planning Commission public hearing.

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The meeting adjourned at approximately 1:56 p.m.

Chairman

Division Director