

**MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
February 16, 2023**

A meeting of the Louisville Metro Planning Commission was held on Thursday, February 16, 2023 at the Old Jail building court room, located at 514 West Liberty Street, Louisville KY 40202.

Commissioners Present:

Marilyn Lewis, Chair
Te'Andre Sistrunk
Michelle Pennix
Suzanne Cheek
Rich Carlson
Jeff Brown

Commissioners Absent:

Jim Mims
Lula Howard
Bill Fischer
Patti Clare

Staff Members Present:

Brian Davis, Assistant Director
Julia Williams, Planning and Design Manager
Chris French, Planning and Design Supervisor
Beth Stuber, Engineer Supervisor
Laura Ferguson, Assistant County Attorney
Chris Cestaro, Management Assistant
Dante St. Germain, Planner II
Jay Lockett, Planner II
Molly Clark, Planner II

Others Present

Mark Sites, MSD
Brian Selch, MSD

The following matters were considered:

PLANNING COMMISSION

February 2, 2023

APPROVAL OF MINUTES

FEBRUARY 2, 2023 PLANNING COMMISSION MEETING MINUTES

00:04:50 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, that the Planning Commission does hereby **APPROVE** the Minutes of its meeting on February 2, 2023.

The Vote Was as Follows:

YES: Commissioners Brown, Carlson, Cheek, Pennix, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

ABSTAIN: Commissioner Sistrunk

PLANNING COMMISSION

February 7, 2023

APPROVAL OF MINUTES

FEBRUARY 7, 2023 PLANNING COMMISSION MEETING MINUTES

00:05:38 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, that the Planning Commission does hereby **APPROVE** the Minutes of its meeting on February 7, 2023.

The Vote Was as Follows:

YES: Commissioners Brown, Carlson, Cheek, Pennix, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

ABSTAIN: Commissioner Sistrunk

PLANNING COMMISSION

February 16, 2023

BUSINESS SESSION

CASE NO. 23-RESOLUTION-0001

Project Name: Planning Commission Resolution No. 2023-01
Request: 5-Year Review of Plan 2040
Jurisdiction: Louisville Metro
Council District: All Council Districts
Case Manager: Chris French, AICP, Planning Supervisor

The Staff Report prepared for this case was incorporated into the record. This report was available to any interested party prior to the Planning Commission meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:06:18 Chris French advocated for approval of Plan 2040.

An audio/visual recording of the Planning Commission 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.

00:07:11 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested 5-Year Review of Plan 2040.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

PLANNING COMMISSION

February 16, 2023

BUSINESS SESSION

CASE NO. BINDING ELEMENT FINAL ORDER - 8300 NASH ROAD

Request: Binding Element Citation Final Order – 8300 Nash Road
Case Manager: Laura Ferguson, Assistant County Attorney

The Staff Report prepared for this case was incorporated into the record. This report was available to any interested party prior to the Planning Commission meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:07:58 Laura Ferguson introduced the citation issued on September 8th, 2022.

An audio/visual recording of the Planning Commission 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.

00:10:23 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Binding Element Citation Final Order.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

PLANNING COMMISSION

February 16, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0145

Request:	Change in Zoning from R-4 to C-2 with Associated Detailed District Development Plan with Binding Elements and Waivers
Project Name:	8006 National Turnpike Rezoning
Location:	8006 National Turnpike
Owner:	Robert and Jennifer Johnson
Applicant:	Robert Johnson
Representative	CRP & Associates
Jurisdiction:	Louisville Metro
Council District:	13 – Dan Seum Jr.
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 Planning Commission meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:11:36 Dante St. Germain requested a continuance of the case.

An audio/visual recording of the Planning Commission 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.

00:12:02 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** the requested Change in Zoning from R-4 to C-2 with Associated Detailed District Development Plan with Binding Elements and Waivers to the March 2nd, 2023 Public Hearing.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

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February 16, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0079

Note: This case was heard out of order. It was listed as number 8 on the Agenda.

Request:	Change in Zoning from R-4 to R-6 with Detailed District Development Plan with Binding Elements
Project Name:	Mud Lane Apartments
Location:	3902 Mud Lane
Owner/Applicant:	Hubert L. Hester Living Trust
Representative	Wyatt, Tarrant and Combs
Jurisdiction:	Louisville Metro
Council District:	13 – Dan Seum Jr.
Case Manager:	Jay Lockett, 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 Planning Commission meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:13:00 Jay Lockett requested a continuance of the case.

An audio/visual recording of the Planning Commission 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.

00:13:37 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** the requested Change in Zoning from R-4 to R-6 with Detailed District Development Plan with Binding Elements to the March 2nd, 2023 Public Hearing.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

PLANNING COMMISSION

February 16, 2023

PUBLIC HEARING

CASE NO. 21-MSUB-0023

Request: A Major Preliminary Subdivision Plan to Create 19 Buildable Lots and 3 Non-Buildable Lots with Variances and a Waiver
Project Name: Flowervale Lane Subdivision
Location: 11523 Flowervale Lane
Owner: DP Reality, LLC
Applicant/Representative Land Design and Development, Inc.
Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler
Case Manager: Molly Clark, 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 Planning Commission meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:14:37 Molly Clark presented the applicant's proposal to construct 22 lots.

00:18:50 Commissioner Carlson advocated for a fence. Molly Clark agreed to provide one.

00:19:49 Commissioner Brown suggested buffering on Flowervale Lane.

The Following Spoke in Support of the Request:

Ted Bernstein, 503 Washburn Avenue, Louisville, KY 40222

Summary of Testimony of Those in Support:

00:21:28 Ted Bernstein acknowledged that there is 55 feet between the railroad crossing.

00:27:11 Commissioner Carlson confirmed what the fence is made of. Ted Bernstein answered wood.

00:27:16 Commissioner Carlson suggested a durable substance. Ted Bernstein agreed.

00:27:26 Commissioner Carlson advocated for the provision of speed bumps. Commissioner Brown elaborated that Flowervale Lane is not eligible.

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Deliberation:

00:28:37 Commissioner Carlson questioned if a condition of approval is required. Julia Williams agreed.

An audio/visual recording of the Planning Commission 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.

Variance #1: Variance from Section 5.3.1.C.4 of the Land Development Code to Reduce the 20 Feet Railroad Supplemental Set Back to 0 Feet

Variance #2: Variance from Section 5.3.1 of the Land Development Code to Reduce the 15 Feet Street Side Yard Set Back from 15 Feet to 0 Feet

00:29:22 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

(Variance #1) WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not adversely affect public health safety or welfare since the subject site is an irregular shaped lot and the set backs are restricted by the adjacent railroad and the additional supplemental set back for collector level roads. There is a subdivision adjacent with the same configuration; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not alter the essential character of the general vicinity since there is a subdivision next door with the same access configuration and it is in character with the neighborhood; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not cause a hazard or nuisance to the public since there is a subdivision next door with the same access configuration and it is in character with the neighborhood. The site is also restricted by 2 required supplemental set backs due to the adjacent railroad and collector level road; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not allow an unreasonable circumvention of zoning regulations since the site is restricted by 2 required supplemental set backs due to the adjacent railroad and collector level road. If the Variance is not granted, the lot will have very limited buildable area; and

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WHEREAS, the Louisville Metro Planning Commission finds the requested Variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since there are 2 supplemental set backs required which is restricting the proposed buildable lots. The subject site is also an irregular shape which limits how the subdivision can be laid out; and

WHEREAS, the Louisville Metro Planning Commission finds the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land since there are 2 supplemental set backs required which is restricting the proposed buildable lots. The subject site is also an irregular shape which limits how the subdivision can be laid out; and

WHEREAS, the Louisville Metro Planning Commission finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has not started construction and is requesting the variance; and

(Variance #2) WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not adversely affect public health safety or welfare since the subject site is an irregular shaped lot and the set backs are restricted by the adjacent railroad and the additional supplemental set back for collector level roads. There is a subdivision adjacent with the same configuration; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not alter the essential character of the general vicinity since there is a subdivision next door with the same access configuration and it is in character with the neighborhood; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not cause a hazard or nuisance to the public since there is a subdivision next door with the same access configuration and it is in character with the neighborhood. The site is also restricted by 2 required supplemental set backs due to the adjacent railroad and collector level road; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not allow an unreasonable circumvention of zoning regulations since the site is restricted by 2 required supplemental set backs due to the adjacent railroad and collector level road. If the Variance is not granted, the lot will have very limited buildable area; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance arises from special circumstances which do not generally apply to land in the general

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vicinity or the same zone since there are 2 supplemental set backs required which is restricting the proposed buildable lots. The subject site is also an irregular shape which limits how the subdivision can be laid out; and

WHEREAS, the Louisville Metro Planning Commission finds the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land since there are 2 supplemental set backs required which is restricting the proposed buildable lots. The subject site is also an irregular shape which limits how the subdivision can be laid out; and

WHEREAS, the Louisville Metro Planning Commission finds the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant has not started construction and is requesting the Variance.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested **Variance #1** from Section 5.3.1.C.4 of the Land Development Code to Reduce the 20 Feet Railroad Supplemental Set Back to 0 Feet and **Variance #2** from Section 5.3.1 of the Land Development Code to Reduce the 15 Feet Street Side Yard Set Back from 15 Feet to 0 Feet.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

Waiver from Section 10.2.7 of the Land Development Code to reduce the Railroad Landscape Buffer Area from 35 Feet to 25 Feet

00:30:04 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds the Waiver will not adversely affect adjacent property owners since there will still be screening provided along the railroad with the applicant installing fencing; and

WHEREAS, the Louisville Metro Planning Commission finds Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and

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redevelopment projects. This project will have the same access configuration as the existing subdivision to the South West. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. The applicant will be providing screening via a fence along the railroad; and

WHEREAS, the Louisville Metro Planning Commission finds the extent of the Waiver of the regulation is the minimum necessary to afford relief to the applicant since the subject site is an irregular shaped lot and is restricted by multiple supplemental set backs due to being adjacent to a collector level road and the railroad. If the Waiver is not granted, that leaves very little room for homes to be built on each proposed buildable lot; and

WHEREAS, the Louisville Metro Planning Commission finds the applicant has not incorporated other design measures that exceed the minimums of the district or compensate for non-compliance with the requirements to be waived as the area proposed for the 25 feet railroad supplemental landscape buffer will be located in an area where the proposed driveways will be located for each buildable lot. Staff is concerned that all the required plantings will not be able to be provided.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from Section 10.2.7 of the Land Development Code to Reduce the Railroad Landscape Buffer from 35 Feet to 25 Feet.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

Major Preliminary Subdivision Plan with Proposed Conditions of Approval

00:30:34 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Major Preliminary Subdivision Plan with Proposed Conditions of Approval **ON CONDITION** that the Material for the Screen along the Railroad is Vinyl, **SUBJECT** to the following Binding Elements:

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

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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 drip line 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. 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. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Home Owners 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. 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 in a form approved by counsel for the Planning

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CASE NO. 21-MSUB-0023

Commission and the Certificate of Incorporation of the Home Owners Association.

- b. A Deed of Restriction in a form approved by counsel for the Planning Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Home Owners Association in a form approved by counsel for the Planning Commission.
10. At the time the developer turns control of the Home Owners Association over to the home owners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

PLANNING COMMISSION

February 16, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0128

Request: Change in Zoning from R-6 Multi-Family and C-1 Commercial to C-1 Commercial with a District Development Plan with Binding Elements and a Variance and a Waiver

Project Name: Payne Street Bakehouse and Guesthouse

Location: 223 and 225 South Spring Street

Owner/Applicant: Shelby Market Properties, LLC

Representative: Architectural Artisans

Jurisdiction: Louisville Metro

Council District: 9 – Andrew Owen

Case Manager: Jay Lockett, 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 Planning Commission meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:31:59 Jay Lockett presented the applicant's proposal to develop the Payne Street Bake House. Lockett advocated for the renovation of the Payne Street Guest House to rent.

The Following Spoke in Support of the Request:

Anne Fuller, 1868 Alfresco Place, Louisville, KY 40205

Summary of Testimony of Those in Support:

00:35:30 Anne Fuller acknowledged that she is the owner.

00:36:37 Commissioner Brown questioned the hours of operation. Anne Fuller acknowledged that the hours will not change.

An audio/visual recording of the Planning Commission 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.

Change in Zoning from R-6 Multi-Family and C-1 Commercial to C-1 Commercial

00:37:17 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

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RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested Change in Zoning from R-6 Multi-Family and C-1 Commercial to C-1 Commercial be **APPROVED**.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

Waiver of Land Development Code Section 10.2.4 to Permit Existing and Proposed Structures to Encroach into the Required 15-Foot Property Perimeter Landscape Buffer Area as Shown on the Proposed Development Plan and Eliminate the Planting Requirements

00:38:06 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds the Waiver will not adversely affect adjacent property owners, as the applicant will provide screening in the form of a 6-foot privacy fence. The adjacent property to the North is owned by the applicant; and

WHEREAS, the Louisville Metro Planning Commission finds the Waiver will not violate the Comprehensive Plan, as required screening will be provided around the site. The development will be in keeping with the pattern of the area; and

WHEREAS, the Louisville Metro Planning Commission finds the extent of the Waiver of the regulation is the minimum necessary to afford relief to the applicant; and

WHEREAS, the Louisville Metro Planning Commission finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the structure would need to be partially or fully demolished to comply with the buffer, and the expansion could not be constructed.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver of Land Development Code Section 10.2.4 to Permit Existing and Proposed Structures to Encroach into the Required 15-Foot Property Perimeter Landscape Buffer Area as Shown on the Proposed Development Plan and Eliminate the Planting Requirements.

The Vote Was as Follows:

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YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

Variance from Land Development Code Section 5.2.2 to Permit Encroachments into the Required 5-Foot Side Set Back as Shown on the Proposed Development Plan

00:39:28 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not adversely affect public health safety or welfare. MSD and Transportation Planning have approved the Preliminary Plan and will ensure safety through the construction permitting process; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not alter the essential character of the general vicinity since the proposed site layout is in keeping with the development pattern of the area; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not cause a hazard or nuisance to the public since the proposed addition will follow existing building set backs on the site; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not allow an unreasonable circumvention of zoning regulations since the development pattern is generally in keeping with mixed-used development in the Traditional Neighborhood Form District; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance does not arise from special circumstances which do not generally apply to land in the general vicinity; and

WHEREAS, the Louisville Metro Planning Commission finds the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land since the proposed addition would follow existing historic building set backs and the addition could not be built without a Variance; and

WHEREAS, the Louisville Metro Planning Commission finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, as the applicant is requesting relief prior to development.

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RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variance from Land Development Code Section 5.2.2 to Permit Encroachments into the Required 5-Foot Set Back as Shown on the Proposed Development Plan.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

Revised Detailed District Development Plan and Amendment to Binding Elements

00:40:05 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds there do not appear to be any environmental constraints on the subject site. The proposal would retain and expand existing structures; and

WHEREAS, the Louisville Metro Planning Commission finds 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, the Louisville Metro Planning Commission finds there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Louisville Metro Planning Commission finds 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 Planning Commission finds the overall site design and land uses are compatible with the existing and future development of the area. Appropriate screening will be provided to screen adjacent properties and roadways; and

WHEREAS, the Louisville Metro Planning Commission finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

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CASE NO. 22-ZONE-0128

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Revised Detailed District Development Plan and Amendment to Binding Elements, **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. 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.
3. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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.
 - c. 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 prior to obtaining a building permit.
 - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to those shown at the Planning Commission public hearing. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
 - e. A license agreement shall be in place with Louisville Metro Public Works prior to requesting a Certificate of Occupancy for the portions of the development within the public right-of-way.
4. 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.

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5. 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.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

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PUBLIC HEARING

CASE NO. 22-ZONE-0013

Request:	Change in Form District from SWFD to NFD, Change in Zoning from EZ-1 to R-6 and R-7, with Associated General District Development Plan with Binding Elements, Detailed District Development Plan with Binding Elements, Major Preliminary Subdivision and Variances
Project Name:	3500 Lees Lane Rezoning
Location:	3500 Lees Lane
Owner:	LDG Land Holdings, LLC
Applicant:	LDG
Representative	Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	1 – Tammy Hawkins
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 Planning Commission meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:41:22 Dante St. Germain presented the applicant's proposal to create 312 residential units.

00:50:11 Commissioner Brown requested to see the plan. Dante St. Germain acquiesced.

00:50:55 Laura Ferguson clarified if the plan has changed. Dante St. Germain agreed that the Limits of Disturbance are different.

The Following Spoke in Support of the Request:

Cliff Ashburner, 101 South 5th Street, Suite 2500, Louisville, KY 40202
Derek Triplett, 503 Washburn Avenue, Louisville, KY 40222
Dianne Zimmerman, 12803 High Meadows Pike, Prospect, KY 40059

Summary of Testimony of Those in Support:

00:53:11 Cliff Ashburner disagreed with the findings. Ashburner advocated for approval of the proposal.

00:58:43 Derek Triplett elaborated on the plan for apartments and a clubhouse.

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01:06:18 Dianne Zimmerman introduced the TIS conducted on the intersections of Ladd Avenue and Lees Lane and Cane Run Road and Lees Lane.

01:07:39 Cliff Ashburner acknowledged that the plan has changed to mitigate the wetlands.

01:22:44 Commissioner Carlson suggested a fence to discourage railroad crossing.

01:24:00 Commissioner Carlson requested the need for a signal on Ladd Avenue and Lees Lane. Dianne Zimmerman disagreed. Zimmerman confirmed that the findings from the TIS do not necessitate one.

01:27:15 Commissioner Carlson suggested a Binding Element for affordable housing. Cliff Ashburner acknowledged that he will need to see the language.

01:28:14 Commissioner Brown asked what will happen to the sidewalk when Lot 4 is proposed. Derek Triplett advocated for the provision of a right-of-way and sidewalk.

The Following Spoke in Opposition to the Request:

Earl Hartlage, 4201 Bramers Lane, Louisville, KY 40216

Summary of Testimony of Those in Opposition:

01:31:27 Earl Hartlage disagreed with the proposal due to no bus stop or shopping.

The Following Spoke Neither for nor Against:

Tammy Hawkins, 4211 Lake Dreamland Road, Louisville, KY 40216

Summary of Testimony of Those Neither for nor Against:

01:42:22 Tammy Hawkins introduced herself as a Council Woman for District 1. Hawkins acknowledged that there is not enough dialogue from LDG.

Rebuttal:

01:45:24 Cliff Ashburner apologized to Tammy Hawkins. Ashburner disagreed with Earl Hartlage. He elaborated that there is a bus stop and an adjacent school, as well as industrial jobs. Cliff Ashburner confirmed the need for affordable housing.

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01:53:07 Commissioner Carlson clarified if a fence is needed. Cliff Ashburner acknowledged a wooded area as a reason for disagreeing.

01:56:35 Cliff Ashburner brought up the Binding Element for affordable housing. Ashburner disagreed with the language. Laura Ferguson agreed. Ferguson elaborated that the Binding Element is not applicable.

Deliberation:

02:04:11 Commissioner Cheek advocated for approval of the proposal.

02:05:04 Commissioner Pennix questioned the TIS.

02:06:39 Commissioner Sistrunk disagreed with a designated commercial area.

02:07:49 Commissioner Carlson requested Commissioner Brown's estimation on the TIS. Commissioner Brown acknowledged that KYTC is making changes to the area that he agrees with.

An audio/visual recording of the Planning Commission 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.

Change in Form District from Suburban Work Place Form District to Neighborhood Form District

02:09:09 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Change in Form District from Suburban Work Place Form District to Neighborhood Form District.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

Change in Zoning from EZ-1 Enterprise Zone to R-6 Multi-Family Residential and R-7 Multi-Family Residential

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02:09:44 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Change in Zoning from EZ-1 Enterprise Zone to R-6 Multi-Family Residential and R-7 Multi-Family Residential.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

Variance #1: Variance from Table 5.3.1 to Permit Structures to Exceed the Maximum Allowed Building Height of 35' (Required: 35', Requested: 38', Variance of 3') (22-VARIANCE-0171)

Variance #2: Variance from Table 4.8.5 to Permit Encroachment into Required 25' Wet Lands Buffers (22-VARIANCE-0172)

02:10:17 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

(Variance #1) WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not adversely affect public health, safety or welfare as the increase in building height will not affect sight lines or provide any other public health, safety or welfare issues; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not alter the essential character of the general vicinity as the Variance requested is relatively small and unlikely to be apparent to the public; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not cause a hazard or nuisance to the public as the increase in height is relatively small and unlikely to be visible to the public; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not allow an unreasonable circumvention of zoning regulations as the requested Variance is relatively small and is needed to provide an extra foot of interior height for each floor to provide higher ceilings; and

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WHEREAS, the Louisville Metro Planning Commission finds the requested Variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the Variance is needed for a design choice on the part of the developer and not due to unique characteristics of the lot; and

WHEREAS, the Louisville Metro Planning Commission finds the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the building height is a design choice to improve the look of the interior rooms and the buildings could be shorter with more standard ceiling heights without depriving the applicant of the use of the land or creating an unnecessary hardship; and

WHEREAS, the Louisville Metro Planning Commission finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no construction has yet taken place and the Variance is being sought at this time; and

(Variance #2) WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not adversely affect public health, safety or welfare as the encroachment will not affect sight lines or provide any other public health, safety or welfare issues; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not alter the essential character of the general vicinity as the general vicinity is an undeveloped lot; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will not cause a hazard or nuisance to the public as the encroachment is unlikely to be visible to the public; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance will allow an unreasonable circumvention of zoning regulations as the wetlands are jurisdictional. Jurisdictional wetlands are protected by the Land Development Code because they are a limited natural resource and environmental constraint which is difficult to replace once disturbed; and

WHEREAS, the Louisville Metro Planning Commission finds the requested Variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lot is undeveloped in an area of generally developed land; and

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WHEREAS, the Louisville Metro Planning Commission finds the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because the overall site is large and the preservation of the wetlands would only require that the development be moved to another portion of the site which is not environmentally constrained; and

WHEREAS, the Louisville Metro Planning Commission finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no construction has yet taken place and the Variance is being sought at this time.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested **Variance #1** from Table 5.3.1 to Permit Structures to Exceed the Maximum Allowed Building Height of 35' (22-VARIANCE-0171) and **Variance #2** from Table 4.8.5 to Permit Encroachment into Required 25' Wet Lands Buffers (22-VARIANCE-0172).

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

Major Preliminary Subdivision

02:11:19 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Major Preliminary Subdivision.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

General District Development Plan and Binding Elements

02:11:49 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

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WHEREAS, the Louisville Metro Planning Commission finds the site is fully wooded and features both jurisdictional and non-jurisdictional wetlands. Required tree canopy will be provided; and

WHEREAS, the Louisville Metro Planning Commission finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided, and Metro Public Works has approved the Preliminary General Development Plan; and

WHEREAS, the Louisville Metro Planning Commission finds open space will be provided in compliance with the requirements of the Land Development Code; and

WHEREAS, the Louisville Metro Planning Commission finds 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 Planning Commission finds the overall site design will be compatible with existing and planned future development in the area. The proposal would provide lots which can be later developed with housing, which is in conformance with the existing development in the area; and

WHEREAS, the Louisville Metro Planning Commission finds the General Development Plan conforms to applicable requirements of the Land Development Code, and with applicable guidelines and policies of Plan 2040.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested General District Development Plan with Binding Elements, **SUBJECT** to the following Binding Elements:

1. 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. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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

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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. 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.
6. Tree Canopy Credit Areas (TCCAs) as shown on the General Development Plan shall not be developed in any manner.
7. The sidewalk along Lees Lane shall be expanded to 10 feet to accommodate the Louisville Loop as the other lots develop.
8. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
9. All street name signs shall be installed prior to requesting a Certificate of Occupancy for any structure. The address number shall be displayed on a structure prior to requesting a Certificate of Occupancy for that structure.
10. 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."
11. 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.
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.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

Detailed District Development Plan with Binding Elements

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02:12:20 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds the site is fully wooded and features jurisdictional wetlands. Required tree canopy will be provided elsewhere in the general plan on the overall site. The wetlands are likely to be disturbed by construction and later resident activity; and

WHEREAS, the Louisville Metro Planning Commission finds 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, the Louisville Metro Planning Commission finds open space is being provided in compliance with the requirements of the Land Development Code. Much of the open space is located over jurisdictional wetlands; and

WHEREAS, the Louisville Metro Planning Commission finds 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 Planning Commission finds the overall site design is compatible with existing and planned future development in the area. The proposal would provide housing in conformance with the existing development in the area; and

WHEREAS, the Louisville Metro Planning Commission finds the development plan conforms to applicable requirements of the Land Development Code. It does not comply with applicable guidelines and policies of Plan 2040 as environmental assets on the site are likely to be impacted. Jurisdictional wetlands are required to have a 25' buffer area, which is proposed to be varied. Community Form Goal 3, Policy 8 encourages development plans to conserve, restore and protect vital natural resource systems such as mature trees, steep slopes, streams and wetlands. Community Form Goal 3, Objective A states that environmental impacts of development are diminished. The development plan does not diminish the environmental impact of development, but instead seeks to maximize the development potential of the site at the expense of environmentally sensitive wetlands. Community Form Goal 3, Objective B states that environmentally sensitive areas are preserved and/or enhanced. The development plan does not preserve or enhance environmentally sensitive wetlands on the site.

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RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan with Binding Elements, **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 outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work done in the Lees Lane right-of-way.
 - 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 Certificate of Occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with chapter 10 of the Land Development Code shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 16, 2023 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. 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.

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6. 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.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis

ABSENT: Commissioners Clare, Fischer, Howard, and Mims

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ADJOURNMENT

The meeting adjourned at approximately 3:11 p.m.

Chairman

Division Director