

PLANNING COMMISSION MINUTES
May 26, 2022

PUBLIC HEARING

CASE NO. 21-ZONE-0150

Request:	Change in Zoning from R-4 to C-1 with Variances
Project Name:	Axis Stonestreet
Location:	10310 & 10312 Stonestreet Road
Owner:	Axis Investments LLC
Applicant:	Axis Investments LLC
Representative:	Land Design & Development; Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	25 – Amy Holton Steward
Case Manager:	Julia Williams, AICP, Planning Supervisor

Notice of this public hearing appeared in The Courier-Journal, a notice was posted on the property, and 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 public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

03:16:35 Julia Williams presented an overview of the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation). The applicant is proposing a mixed commercial development on the site with associated variances. There is a proposed binding element regarding signal contribution.

Commissioner Carlson asked about the timeframe of the signal possibly being constructed.

The following spoke in support of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 S. Fifth Street, Suite 2500, Louisville, KY 40202

Mike Hill, Land Design & Development, 503 Washburn Avenue, Suite 101, Louisville, KY 40222

Summary of testimony of those in support:

03:25:20 Cliff Ashburner, the applicant's representative, spoke in support of the application and provided a PowerPoint presentation (see video). Ashburner stated there is a mix of zoning districts in the area and the proposal fits well within the Stonestreet Road area. There is a floodplain compensation basin proposed at the rear of the development. The applicant is also providing area for a portion of the Louisville Loop. Ashburner said he client is happy to make a contribution for the signal but would

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like for their to be a sunset clause that would occur 12 months from the issuance of a certificate of occupancy.

Commissioner Brown asked Ashburner his opinion on a 24-month sunset clause and what he believes would be adequate proof that the project is going forward in order to collect the contribution. Commissioner Mims stated 60 months may be more appropriate.

03:49:09 Mike Hill spoke in support of the application. Commissioner Brown pointed out a design suggestion for the driveways.

The following spoke as neutral to the request:

Amy Holton Stewart, Metro Council District 25, 601 W Jefferson Street, Louisville, KY 40202

Cindi Fowler, Metro Council District 14, 601 W Jefferson Street, Louisville, KY 40202

Summary of testimony of those as neutral:

03:51:27 Amy Holton Stewart spoke as neutral. She stated the area is dry and that a liquor store is not an appropriate label on the plan.

The following spoke in opposition of the request:

None

Summary of testimony of those in opposition:

None

Rebuttal:

03:54:45 Cliff Ashburner provided rebuttal. He has not heard that there might be a liquor store on this site and the applicant intends to only pursue restaurants. Ashburner stated the applicant has expressed interest in pursuing a vote on alcohol sales in order to permit beer sales at the convenience store.

The commissioners and the applicant continued discussion on the timeframe for the signal contribution.

04:04:34 Cindi Fowler asked the applicant when they intended to apply for the special election. Cliff Ashburner stated he does not know the timeframe at this time. The land use is not affected by whether or not the district is wet or dry.

04:15:00 Cliff Ashburner responded to Councilwoman Fowler's comments.

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04:19:19 Commissioners' deliberation.

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04:20:42 On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

Change in Zoning:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because while the site is adjacent to residentially zoned and used land, the proposed land use does not encroach upon any residential neighborhoods, and the site appears to be vacant;

The proposed intensity is located to serve the interstate and local populations utilizing Stonestreet for interstate access and provide another location for services along Stonestreet Road which provides commercial nodes along its route prior to reaching Dixie Highway;

Traffic would not appear to have a significant impact based on the roadway classification. Residential/local roadways are not used for access;

The C-1 district does not allow for uses that produce significant odors or noises, and the those uses that might produce such odors (gas station) have been located adjacent to the interstate along an arterial roadway; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 2 because the proposed district is appropriately located to serve the interstate and local populations utilizing Stonestreet for interstate access;

The subject site is along an arterial roadway which serves higher volumes of traffic and provides access to the interstate. For this reason, access to a commercial district is appropriate;

The proposed district appears to be the minimum area needed for the proposed land use to be located along this arterial roadway;

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The proposed district allows for a variety of commercial activities which serve localized populations or interstate travelers. All improvements required to support multi-modal transit will be provided;

The proposal results in new development; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 3 because the site does not appear to contain steep slopes. Other features should be inspected. MSD has preliminarily approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 4 because there do not appear to be resources of significance in the development area; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 1 because the site is not located within an existing activity center. It is, however, located to serve the interstate and local populations utilizing Stonestreet for interstate access and provide another location for services along Stonestreet Road which provides commercial nodes along its route prior to reaching Dixie Highway; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 2 because access would be from an arterial roadway and would not interfere with local roadways containing lower intensity uses; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 3 because the district provides additional services near residents, while also serving the interstate.;

All improvements to public ways required by the LDC and Transportation Planning will be addressed or mitigated. The addition of this land use may reduce vehicle miles travel by encouraging a mix of land uses and locating commercial activities immediately at interchange used by the local population;

Transportation Planning has preliminarily approved the proposal. Sidewalks are being provided along Stonestreet Road and a connection will be made to the future Louisville Loop; and

WHEREAS, the Commission further finds that the proposal meets Community Facilities: Goal 2 because existing and proposed utilities will serve the site;

Water is available to serve the site and for fire fighting purposes;

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MSD has preliminarily approved the proposal.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the change in zoning, for case 21-ZONE-0150, from R-4 to C-1, for the property at 10310 & 10312 Stonestreet Road described in the staff report.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Mims, Price, Sistrunk, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioners Cheek, Clare, and Howard

04:21:21 On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

Variance #1 – Variance to eliminate the setbacks adjacent to the proposed access easement

WHEREAS, the variance will not adversely affect the public health, safety or welfare because the private access easement serves to provide access to the residual lot at the rear of the property;

WHEREAS, the requested variance will not alter the essential character of the general vicinity because the private access easement serves to provide access to the residual lot at the rear of the property.

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the private access easement serves to provide access to the residual lot at the rear of the property.

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations because the access easement is necessary to provide access to an adjacent residual property that is being subdivided from the development site.

WHEREAS, the requested variance does arise from a special circumstance because the access easement is necessary to provide access to an adjacent residual property that is being subdivided from the development site. It is unusual for a site to have an access easement just to serve a rear undevelopable property and in order to utilize the site per the zoning it is necessary to provide access to the rear residual lot;

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WHEREAS, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because not allowing the encroachments into the setbacks off of the easement would eliminate the cross access necessary for the site and buildings it serves.

WHEREAS, the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The applicant is providing required access to a lot that will not be developed but has drainage features that would need to be accessed for maintenance.

Variance #2 – Variance to Permit the Building on Tract 1 to Exceed the Maximum 95-foot setback by approximately 77 feet

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare because the proposed building is being placed to accommodate a gas canopy in front of the structure;

WHEREAS, The requested variance will not alter the essential character of the general vicinity because the proposed building is being placed to accommodate a gas canopy in front of the structure;

WHEREAS, the requested variance will not cause a hazard or nuisance to the public since the proposed building is being placed to accommodate a gas canopy in front of the structure. A pedestrian connection is provided on the adjacent site so that there is a safe passage to the structure and a pedestrian connection will be made to the Louisville Loop once it is constructed;

WHEREAS, The requested variance will not allow an unreasonable circumvention of the zoning regulations because the proposed building is being placed to accommodate a gas canopy in front of the structure. The canopy is in alignment with the other proposed structures on the development site;

WHEREAS, the strict application of the provisions would cause the future connection to the Louisville Loop to have to either cross through areas where vehicles are focused or have a connection that would go around a structure which is not ideal;

WHEREAS, 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 the variance and has not begun construction.

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RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Variance #1 and #2, based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Mims, Brown, Carlson, Daniels, Sistrunk, Price, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioners Cheek, Clare and Howard

04:22:02 On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

Detailed District Development Plan:

WHEREAS, the Louisville Metro Planning Commission finds there do not appear to be any historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site. Flood compensation basins are proposed on the R-4 portion of the development site to relieve the development site from being in the floodplain;

WHEREAS, the Commission further 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;

WHEREAS, the Commission further 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;

WHEREAS, the Commission further finds the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will generally meet all required setbacks; and

WHEREAS, 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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RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No 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) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan and dedicating additional right-of-way to Stonestreet Road. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; A copy of the recorded instrument shall be

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submitted to the Division of Planning and Design Services prior to obtaining a building permit.

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

f. The materials and design of proposed structures for Tract 1 shall be substantially the same as depicted in the rendering as presented at the May 26, 2022 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.

g. Final elevations/renderings for Tracts 2 and 3 shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be 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.

6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

7. 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.

8. The property owner shall provide a cross over access easement if the property to the south is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.

9. No idling of trucks shall take place within 200 feet of residential development. No overnight idling of trucks shall be permitted on-site.

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10. The applicant, developer, or property owner will work with the Louisville Metro Government to allow a portion of the Louisville Loop be constructed along the north side of the property. This area will be recorded as an easement or transferred as a fee simple property at the applicant, developer, or owner's expense before the release of the encroachment bond for the development.

The applicant, developer, or property owner shall provide the grading required for the construction of the Loop as shown on the approved construction plans for Tract 1. Also, during the construction plan phase the applicant will work with Metro Parks to determine the appropriate location for a pedestrian connection from the Louisville Loop to Tract 1.

11. A signal contribution not to exceed \$15,000 shall be made as a sharing of cost for a signal to be erected at the intersection of Stonestreet and Pond Station Rd. The contribution shall be provided for construction within 60 (sixty) days of a request from Louisville Metro Public Works. The contribution shall be invalid if not requested within two years of issuance of the certificate of occupancy for the first building constructed on the site.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Mims, Price, Sistrunk, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioners Cheek, Clare and Howard

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CASE NUMBER 17ZONE1069

Please note: the minutes for this case were approved by the Planning Commission on April 5, 2018.

Request:	R-6 to R-7
Project Name:	Park Lake Apartments
Location:	7100 Leisure Lane
Owner:	Dennis Anderson, Park Lake Apartments, LLC
Applicant:	Park Lake Apartments, LLC
Representative:	Cliff Ashburner, Dinsmore & Shohl, LLP
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Laura Mattingly, AICP, Planner II

Notice of this public hearing appeared in The Courier-Journal, a notice was posted on the property, and 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 public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:20:10 Laura Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Clifford Ashburner, 101 S 5th Street, Suite 2500, Louisville, KY 40202

Summary of testimony of those in favor:

02:26:43 Clifford Ashburner summarized the applicant's proposal and showed a presentation. He has been working with MSD to come to an agreement so that MSD can be relieved of their maintenance responsibility for the existing pump station on the site. MSD proposed a solution just this morning, but his client has not had sufficient time to review the proposal. Mr. Ashburner feels that binding element 4.a. is sufficient to provide MSD the ability to withhold construction approval if necessary while they come to a solution. He responded to questions from the Commissioners.

02:45:00 Tony Kelly with MSD pointed out which buildings are serviced by the gravity system and which are serviced by the pump station. Mr. Kelly stated MSD proposed new language for binding element 4.a. to the applicant this morning, but they were uncomfortable with using that until they evaluate the maintenance cost and responsibility. County Attorney

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Paul Whitty stated that MSD already has ultimate authority to deny full construction approval until they are satisfied.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

02:56:57 The Commissioners concur that the proposal is justified and that the binding elements are adequate.

An audio/visual recording of the Planning Commission hearing 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

03:02:06 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Cornerstone 2020 Checklist, the applicant's justification, and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal is located in an area dominated by single family residences and will be offering more diverse housing options with additional multi-family. The development is located on a local road but is bounded by two streets and McNeely Lake Park, making impacts on the surrounding neighborhoods minimal. The Park Lake Apartments have existed for some time and the additional apartments will be similar in design and massing to the existing apartments. This is a compact apartment development with no new streets being created, and

WHEREAS, the Commission further finds that the proposal meets the Centers guideline because the proposal displays efficient use of land with a compact layout of buildings. This proposal is located adjacent to a park and a school. This development is located within an existing residential neighborhood. This proposal has one access point for this development only, but a shared access in this location is not appropriate, due to the property being bounded by existing roadways and then single family to the south. The parking is located in the most appropriate areas of the site, and sidewalks are existing. Pedestrian connections have been made where appropriate, and

WHEREAS, the Commission further finds that the proposal meets the Compatibility guideline because the scale of the proposed buildings is similar to those that are existing. The 4 story portions are set back away from the roadway where they will have the least impact on the pattern of development. The building design is compatible with existing buildings on site as well as surrounding single family homes. As this development is existing, it is not introducing a new type of density although the density is being increased. New construction is not is not directly

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adjacent to any single family residence and the four story portions of the proposed buildings face the lake, away from surrounding development. The proposal meets parking requirements and has met all transportation requirements. All lighting will face downward and will not shine into any adjoining properties. The proposal adds diversity in housing choices to the area by proposing multi-family in an area that offers predominantly single family homes. The proposal is higher density and is not near an activity center or on an arterial. Conversely, this is an existing development and is located near natural amenities. The proposal is not near a transit route but has met ADA requirements and has pedestrian access to McNeely Lake Park. The proposal is appropriate and inclusive in that it offers a different housing choice for those that may not be able to afford or prefer single family homes. Buffers and setbacks are in compliance with LDC standards. All setbacks and building heights appear to be within LDC standards and are compatible with surrounding development, and

WHEREAS, the Commission further finds that the proposal meets the Open Space guideline because the applicant has provided double the required open space. The design respects the protected waterway buffer and meets tree canopy requirements, and

WHEREAS, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because the design respects the protected waterway buffer and meets tree canopy requirements. The applicant has changed the location of one of the proposed buildings in order to not disturb an area with archeological deposits and a portion of a cave system. LOJIC did not identify any wetlands on site, and

WHEREAS, the Commission further finds that the proposal meets the Circulation guideline because Transportation requirements have been met. The proposal has adequate access and is not required to connect to any other abutting use due to the lower intensity of uses surrounding the development. No dedication of right of way is required, and

WHEREAS, the Commission further finds that the proposal meets the Transportation Facility Design guideline because this site is existing and will continue to gain access from a local road. Impacts on the surrounding single family areas appear to be negligible. By connecting to the existing street network, the appropriate linkages are made, and

WHEREAS, the Commission further finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because sidewalks are provided and the site has a direct pedestrian connection to McNeely Lake Park and the future Louisville Loop directly adjacent to this site, and

WHEREAS, the Commission further finds that the proposal meets the Landscape Character guideline because the development is preserving the natural corridor that exists along McNeely Lake by not intruding into the waterway buffer, and

WHEREAS, the Commission further finds that the proposal meets the Infrastructure guideline because there are existing utility, public water, and MSD connections on site, and

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WHEREAS, the Commission further finds that the subject property is located in the Neighborhood Form District adjacent to McNeely Lake and McNeely Lake Park. The property is bordered on the south and east by single-family residential development and on the north by a Jefferson County Public School. Although multi-family is generally encouraged to be closer to arterial roadways, Park Lake has been at this location for several decades, and the Applicant is merely trying to redevelop portions of it. Therefore, the proposed redevelopment complies with the intent of Guideline I-Community Form, and

WHEREAS, the Commission further finds that the proposed redevelopment complies with the intent and applicable Policies of Guideline 3-Compatibility. The proposed redevelopment involves additional buildings within the subject property and additional parking. The proposed redevelopment also includes the relocation of Park Lake's trash compactor to a more central location within the community, reducing noise and odor issues to the extent they exist. The addition of parking on the subject property should address street parking issues in the adjacent neighborhood by making parking more convenient for residents. The addition of new units in the apartment community should provide additional housing opportunities for those in the area, as the community is currently 100% occupied. The proposed redevelopment will allow for an increased variety of housing by providing new units in the existing apartment community and adjacent to McNeely Lake. The proposed redevelopment also matches existing buffers along its perimeter, and

WHEREAS, the Commission further finds that the proposed redevelopment complies with the intent and applicable Policies of Guidelines 4-Open Space and 5-Natural Areas and Scenic and Historic Resources. The proposed redevelopment will observe buffers and setbacks along McNeely Lake and will maintain the existing path along the lake shore. The proposed redevelopment also contains the required amount of open space and is adjacent to McNeely Lake Park, another significant recreational area, even absent the lake itself, and

WHEREAS, the Commission further finds that the proposed redevelopment complies with the intent and applicable policies of Guideline 7-Circulation. The proposed redevelopment is contained within the existing development site and does not involve the extension of any roads. The proposed redevelopment will increase the amount of off-street parking available to the apartment community up to the level required by the LDC. The Applicant will also provide access across its lake frontage for the existing pedestrian path surrounding McNeely Lake, and

WHEREAS, the Commission further finds that the proposed redevelopment complies with the intent and applicable policies of Guideline 9-Bicycle Pedestrian and Transit. The subject property was developed as apartments several decades ago and is located adjacent to McNeely Lake Park, providing pedestrian and bicycling opportunities for residents. Although the subject property is not located near transit, adding units should not be prevented by a lack of transit opportunities, and

WHEREAS, the Commission further finds that the proposed redevelopment complies with the intent of and applicable policies of Guidelines 10 and 11. The proposed redevelopment will follow all MSD regulations regarding stormwater runoff both during and after construction. The

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proposed redevelopment is observing all required buffers from McNeely Lake and will incorporate water quality control measures as required by MSD, and

WHEREAS, the Commission further finds that the proposed redevelopment complies with the intent and applicable policies of Guideline 13-Landscape Character. The proposed redevelopment will comply with tree canopy requirements of the LDC and will provide landscaping where required by the LDC; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-6, Multi-Family Residential to R-7, Multi-Family Residential on 10.83 acres of property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Brown, Howard, Tomes, Carlson, Jarboe, and Ferguson
NOT PRESENT: Lindsey, Peterson, Smith, and Lewis

Detailed District Development Plan

03:03:04 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on testimony heard today, was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the detailed district development plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No 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:

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- a. The development plan must receive full construction approval from Develop Louisville, 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. Applicant shall also provide an alternative design for the Leisure Lane parking addition to encourage the preservation of the existing trees along the southern side of Leisure Lane, if feasible.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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.
 6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
 7. 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.
 8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 29, 2018 Planning Commission meeting.
 9. No land disturbance will occur on the southeast portion of the site where the Kentucky Heritage Council has identified Durrett's Cave and associated archeological deposits in the area labeled "karst area."
 10. The applicant, developer, or property owner will work with the Louisville Metro Government to allow a portion of the Louisville Loop to cross the property along the banks of McNeely Lake. This area will be recorded as an easement or transferred as a fee simple property at the applicant, developer, or owner's expense within 60 day requests of Metro Government on a mutually agreed upon legal description provided by Metro Government.
 11. Applicant will install additional fire hydrants as requested by the fire department, not to exceed the number and spacing of hydrants required by the fire hydrant ordinance. Construction features will be added to prevent vehicles from blocking access to fire hydrants.

**PLANNING COMMISSION MINUTES
MARCH 29, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1069

12. Sidewalk connection to the existing sidewalk to the south shall be provided prior to the issuance of the first Certificate of Occupancy.

The vote was as follows:

YES: Brown, Howard, Tomes, Carlson, Jarboe, and Ferguson
NOT PRESENT: Lindsey, Peterson, Smith, and Lewis

**PLANNING COMMISSION MINUTES
MARCH 29, 2018**