

**PLANNING COMMISSION MINUTES**  
**July 5, 2018**

**BUSINESS SESSION**  
**CASE NO. 17ZONE1060**

**Request:** Business Session deliberation in accordance with KRS 100.211(g)(2) for change in zoning from R-4 to C-2, landscape waiver, variance, and detailed district development plan. Public Hearing held June 7, 2018

**Project Name:** Storage Project

**Location:** 7500 Bardstown Road

**Owner:** Madge H. Chalmers Revocable Trust & Edward Harding, Jr.  
9630 Ravenscroft Lane NW  
Concord, NC 28027

**Applicant:** arc – Jason Sams  
1517 Fabricon Boulevard  
Louisville, Ky. 47130

**Representative:** arc – Jason Sams  
1517 Fabricon Boulevard  
Louisville, Ky. 47130

**Jurisdiction:** Louisville Metro

**Council District:** 22 – Robin Engel

**Case Manager:** **Joel Dock, AICP, Planner II**

**Presented By:** **Brian Davis, Planning and Design Manager**

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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Discussion**

00:05:28 Mr. Dock stated this case was heard at the June 5, 2018 public hearing. There was a vote of 3 - yes, 3 - no and 1 abstention. This case is to be considered and voted on again with no additional testimony. Any changed vote must be based on the original evidence and testimony.

00:07:02 The commissioners decided not to change their original votes.

**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.**

**NO ACTION**

**PLANNING COMMISSION MINUTES**  
**June 21, 2018**

**BUSINESS SESSION**

**Case No. 17ZONE1060**

Request:	Discussion of KRS 100.211(g)(2)
Project Name:	17ZONE1060
Location:	7500 Bardstown Road
Owner:	Madge H. Chalmers Revocable Trust & Edward Harding Jr.
Applicant:	N/A
Representative:	N/A
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
<b>Case Manager:</b>	<b>Joel Dock, Planner II</b>

**Agency Testimony:**

00:08:23 Joel Dock presented the case (see discussion report and recording for detailed presentation.) He answered procedural questions from Commissioners Tomes and Peterson regarding what action/s the Commission could take or not take today.

**Deliberation**

00:14:13 The Commissioners discussed the issue.

**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.**

00:15:56 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby place this item for discussion on the **Business Session** portion of the agenda of the **July 5, 2018** Planning Commission public hearing.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Howard, Peterson, Tomes, and Lewis.**  
**NOT PRESENT: Commissioners Jarboe, Smith, and Robinson.**

**PLANNING COMMISSION MINUTES**  
**June 7, 2018**

**PUBLIC HEARING**

**CASE NO. 17ZONE1060**

Request: Change in zoning from R-4 to C-2, landscape waiver, variance, and Detailed District Development Plan.  
Project Name: Storage Project  
Location: 7500 Bardstown Road  
Owner: Madge H. Chalmers Revocable Trust & Edward Harding Jr.  
Applicant: arc – Jason Sams  
Representative: Cliff Ashburner – Dinsmore & Shohl  
Jurisdiction: Louisville Metro  
Council District: 22 – Robin Engel

**Case Manager: Joel Dock, 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:**

01:27:25 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:34:22 Commissioner Carlson asked about a future center median or barrier wall. Mr. Dock said there is a future median proposed, and he discussed how this affected transportation and his conclusions in the staff report.

**The following spoke in favor of this request:**

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

Jason Sams, ARC, 1517 Fablicon Drive, Jeffersonville, IN 47130

**Summary of testimony of those in favor:**

01:35:24 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:40:09 Jason Sams, an applicant's representative, continued presenting the applicant's case and the Power Point presentation.

01:50:07 Mr. Ashburner concluded the presentation.

**PLANNING COMMISSION MINUTES**  
**June 7, 2018**

**PUBLIC HEARING**

**CASE NO. 17ZONE1060**

01:54:21 In response to a question from Commissioner Tomes, Mr. Ashburner discussed the proposed barrier / traffic improvements, whether they were contemplated or finalized before the Fern Creek Small Area plan was completed, and how this could affect traffic patterns.

01:55:49 Commissioner Jarboe asked Mr. Ashburner if the right-in/right-out only traffic access could be an impediment to the retail uses. Mr. Ashburner said the access issue should not affect the storage users. Commissioner Jarboe and Mr. Ashburner discussed the access issues.

01:56:49 Commissioner Tomes and Mr. Ashburner discussed access to other parcels to the west.

01:58:02 Commissioner Howard asked Mr. Sams about the 20-foot-high light pole. Mr. Sams said the lighting does not have to be on a 20-foot pole. He said that, typically, most lighting for self-storage is attached to the building, and that the applicant's only concern is to provide enough lighting to safely light the property.

**The following spoke in opposition to this request:**

Jon Baker, Wyatt Tarrant & Combs, 500 West Jefferson Street Suite 2800, Louisville, KY 40202

**Summary of testimony of those in opposition:**

01:59:40 Jon Baker, attorney for the opposition (SouthPoint Partners, et. al) shared concerns of nearby property owners/business owners. Those concerns include: The proposal is not in line with the existing mixed-use retail Regional Center that has already been developed; the Councilman for this area has raised interest in making this area a parkway and raising the level of appearance/aesthetics here because this is the gateway to Fern Creek; this proposal does not meet the Comprehensive Plan standards; and the proposed use is not a good fit for where this area is going. Mr. Baker then showed a Power Point presentation (see recording for detailed presentation.)

02:06:11 Commissioner Tomes said that he did not think the area was going to be very "walkable" and that most businesses there are auto-centric. He asked Mr. Baker if there was some plan or suggestion from his client (Southpointe Commons) regarding improving the connections and/or intersection on the opposite side of the street (where Bartley is.)

**Rebuttal**

02:09:24 Mr. Ashburner resumed the podium for rebuttal (see recording for detailed presentation.)

02:16:22 Before the Commissioners' deliberation, Mr. Dock noted that there was an error in the staff report. He said that this is change in zoning to C-1 AND C-2. The retail outlot is C-1; the mini-storage is C-2. The boundaries are correctly shown on the development plan.

PLANNING COMMISSION MINUTES  
June 7, 2018

PUBLIC HEARING

CASE NO. 17ZONE1060

**Deliberation:**

02:16:37 Commissioners' deliberation.

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02:32:20 On a motion by Commissioner Brown, seconded by Commissioner Carlson, based on Staff's Findings of Fact provided as *Attachment 4* in the Staff Report, and evidence and testimony heard today, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-4, Single-Family Residential to C-1 & C-2 , Commercial on property described in the attached legal description be **DENIED**.

**The vote was as follows:**

**YES: Commissioners Brown, Howard, and Carlson.**

**NO: Commissioners Peterson, Jarboe, and Tomes.**

**NOT PRESENT: Commissioners Lewis and Smith.**

**ABSTAINING: Commissioner Robinson.**

The motion recommending DENIAL failed due to lack of majority.

02:34:28 On a motion by Commissioner Tomes, seconded by Commissioner Peterson, based on the Applicant's Findings of Fact provided within *Tab 11* of the Applicant's public hearing booklet, and evidence and testimony heard today, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-4, Single-Family Residential to C-1 & C-2 , Commercial on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Peterson, Jarboe, and Tomes.**

**NO: Commissioners Brown, Howard, and Carlson.**

**NOT PRESENT: Commissioners Lewis and Smith.**

**ABSTAINING: Commissioner Robinson.**

The motion recommending APPROVAL failed due to lack of majority.

**This case will be sent to the Louisville Metro Council with NO RECOMMENDATION**