

**LOUISVILLE METRO PLANNING COMMISSION MEETING MINUTES
CASE NUMBER 17DEVPLAN1127 ONLY
APRIL 5, 2018**

A meeting of the Louisville Metro Planning Commission was held on April 5, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

Vince Jarboe, Chair
Marilyn Lewis, Vice Chair
Emma Smith
Robert Peterson
Jeff Brown
Ramona Lindsey
Rich Carlson
Laura Ferguson
Lula Howard
David Tomes

Commissioners absent:

No one

Staff members present:

Joe Reverman, Assistant Director, Planning & Design Services
Joe Haberman, Planning & Design Manager
Brian Davis, Planning & Design Manager
Julia Williams, Planning & Design Supervisor
Joel Dock, Planner II
Laura Mattingly, Planner II
Jay Lockett, Planner I
Beth Stuber, Transportation Planning
Tony Kelly, MSD
Travis Fiechter, Legal Counsel
Paul Whitty, Legal Counsel
Chris Cestaro, Management Assistant

The following matters were considered

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Approval of minutes from the March 29, 2018 – Case No. 17ZONE1069 ONLY

On a motion by Commissioner Howard, seconded by Commissioner Tomes, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Minutes for Case No: 17ZONE1069 ONLY from the March 29, 2018 Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Carlson, Jarboe, Lewis, Brown, Lindsey, Tomes, and Howard.

NO: No one.

ABSTAIN: Commissioners Peterson, Smith, and Ferguson.

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Project Name:	Hurstbourne Town Center
Location:	101 Whittington Parkway
Owner(s):	Viking Partners Hurstbourne
Applicant:	Viking Partners Hurstbourne
Representative(s):	Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	City of Hurstbourne
Council District:	18 – Marilyn Parker
Case Manager:	Joel P. Dock, Planner II

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

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

Agency Testimony:

01:14:57 Joel Dock presented the case summary, standard of review and staff analysis from the staff report and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott & Roberts, PLLC, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223

Summary of testimony of those in favor:

01:23:51 Nick Pregliasco summarized the applicant's proposal and showed a Power Point presentation (see recording for detailed presentation.)

01:34:30 Kevin Young, an applicant's representative, discussed more aspects of the site plan, entrances, proposed structures, and the waiver requests (see recording for detailed presentation.)

01:38:37 In response to a question from Commissioner Howard, Mr. Young pointed out the location of a proposed dumpster location on Tract 6 (see recording.)

01:42:06 Mr. Pregliasco continued the Power Point presentation, showing proposed elevations.

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01:45:41 In response to a question from Commissioner Lewis, Mr. Pregliasco discussed entrance/s and parking for the hotel. NO parallel parking in front of the hotel – only a pedestrian entrance.

01:47:12 In response to a question from Commissioner Ferguson, Mr. Pregliasco explained why the applicant did not seek a form district change.

01:48:09 In response to a question from Commissioner Carlson, Mr. Young and Mr. Pregliasco discussed the orientation of the proposed restaurant and the elevations, particularly future animating features. Commissioner Carlson also asked about a possibility of reducing the buildings and parking, in exchange for some landscaping and making the area more pedestrian-oriented.

01:57:07 Commissioner Tomes asked about excess parking – any plans to fill in mores of the development? Mr. Young discussed parking, and the possibility of a parking deck (not feasible at this time.) Carl Goertmoeller, the developer, discussed existing parking and the utilization of shared parking.

02:01:04 In response to a question from Commissioner Brown, Mr. Pregliasco and Mr. Young discussed two waivers that could be eliminated on the restaurant side by getting rid of some parking and adding a focal point.

02:04:30 In response to a question from Commissioner Brown, Diane Zimmerman, a traffic engineer for the applicant, discussed some traffic issues, particularly traffic on Leesgate.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

Deliberation:

02:07:05 Commissioners' deliberation.

02:39:25 The Commission came back out of Business Session to ask the applicant about potential focal point/s and parking.

02:41:20 Pedestrian route/s from apartments to restaurants (see recording.)

02:44:26 Resume Commissioners' deliberation

02:50:00 Focal point in triangle in parking lot in front of Tract 5.

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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.

#1 - Tract 2 (Hotel):

a. Waiver of Land Development Code (LDC), section 5.5.1.A.1.a to not orient the principal building entrance towards the primary street (Whittington Parkway) or to a focal point

On a motion by Commissioner Peterson, seconded by Commissioner Howard, the following resolution, based on the applicant's justification and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners because they are all commercial users that have far less in common with the Cornerstone 2020 Land Development Code than this proposed project because those were developed before this was designated as a Town Center Form District, and

WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because not all of the buildings are affected by this waiver, rather only those that, like the other buildings, need to face inward to the now new master plan for development of this mixed use activity center, and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would end up with buildings that face the directions given the nature of this site as now a master planned mixed use activity center; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver of Land Development Code (LDC), section 5.5.1.A.1.a to not orient the principal building entrance towards the primary street (Whittington Parkway) or to a focal point.

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The vote was as follows:

YES: Brown, Lindsey, Carlson, Jarboe, Peterson, Smith, Lewis, Howard, Tomes, and Ferguson

NO: No one.

NOT PRESENT: No one.

#2. Tract 3 (Office and parking areas):

a. Waiver of Land Development Code (LDC), section 5.5.1.A.3.a to not provide a 3' masonry wall along parking areas abutting Hurstbourne Parkway

b. Waivers of Land Development Code (LDC), sections 10.3.5.A.1 & 10.2.10 to allow parking areas to encroach upon the 30' parkway buffer and 15' VUA LBA (Hurstbourne Parkway)

c. Waiver of Land Development Code (LDC), section 5.5.1.A.3.a to allow parking areas to be closer to the right of way (Hurstbourne Parkway) than the primary structures on Tracts 5 & 6.

On a motion by Commissioner Peterson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis, the applicant's justification, and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners because they are all commercial users that have far less in common with the Cornerstone 2020 Land Development Code than this proposed project because those were developed before this was designated as a Town Center Form District, and

WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because only a portion of this site would be required to insert a wall screen where, given the circumstances of the overall site landscaping is much more in keeping with the overall aesthetic scheme for this master planned mixed use activity center, and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an

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unnecessary hardship on the applicant because it would have to build a wall where it just doesn't make common sense and where other/better landscape devices are employed, and

WHEREAS, the Commission further finds that the waiver will not adversely affect adjacent property owners as it would appear from the street views of this portion of the property that the topography is such that vehicles may be located below the grade of the street and public walk, and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as existing conditions appears to meet the intent of this guideline to shield surface parking lots from public ways and separate vehicles from pedestrians in an aesthetically pleasing manner, and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the topography may be enough to mitigate the omission of the wall, and

WHEREAS, the Commission further finds that sufficient information has not been provided by the applicant to determine if the topography will appropriately mitigate the request, but the request appears mitigated based upon staff's review of this street frontage, and

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners because they are all commercial users that have far less in common with the Cornerstone 2020 Land Development Code than this proposed project because those were developed before this was designated as a Town Center Form District. Furthermore, excess right-of-way and landscaping exists and will continue to exist along this section of Hurstbourne Parkway, and

WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because not all of the perimeter along Hurstbourne Parkway has a reduced landscape buffer, but rather only this one small section where it is necessary to accommodate parking requirements in an area where good setback and landscaping will continue to exist, and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would lose valuable/necessary parking in an area where, as noted, there are no negative resulting impacts, and

WHEREAS, the Commission further finds that the waiver will not adversely affect adjacent property owners as existing conditions have created the current need for relief, and

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WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as existing conditions have created the current need for relief, and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as existing conditions have created the current need for relief, and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as existing conditions have created the current need for relief, and

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners because they are all commercial users that have far less in common with the Cornerstone 2020 Land Development Code than this proposed project because those were developed before this was designated as a Town Center Form District. Furthermore, both Whittington Parkway and Hurstbourne Parkway along the frontages of these tracts have considerable existing landscaping that mitigate the potential adverse consequences of parking located in the front of the building on tract 4 and closer to Hurstbourne Parkway than the LDC otherwise technically permits, and

WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because not all of the perimeter along Whittington Parkway and Hurstbourne Parkway have parking between the buildings and streets but only in these two relatively minor areas where parking is situated in order to accommodate a better than otherwise master plan for this mixed use activity center, and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would lose valuable/necessary parking in an area where, as noted, there are no negative resulting impacts. Moreover, not all portions of this overall master planned mixed use activity center, especially given the overall configuration of the site and fact that several buildings are located on it, can address the LDC the exact same way, and

WHEREAS, the Commission further finds that the waiver will not adversely affect adjacent property owners as the parkway buffer and existing conditions create the current need for relief and the parkway buffer is appropriate along the corridor, and

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WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as the parkway buffer and existing conditions created the current need for relief and the parkway buffer is appropriate along the corridor, and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the parkway buffer and existing conditions created the current need for relief and the parkway buffer is appropriate along the corridor, and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the parkway buffer and existing conditions created the current need for relief and the parkway buffer is appropriate along the corridor; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE (1)** the waiver of Land Development Code (LDC), section 5.5.1.A.3.a to not provide a 3' masonry wall along parking areas abutting Hurstbourne Parkway, **(2)** waivers of Land Development Code (LDC), sections 10.3.5.A.1 & 10.2.10 to allow parking areas to encroach upon the 30' parkway buffer and 15' VUA LBA (Hurstbourne Parkway), and **(3)** the waiver of Land Development Code (LDC), section 5.5.1.A.3.a to allow parking areas to be closer to the right of way (Hurstbourne Parkway) than the primary structures on Tracts 5 & 6.

The vote was as follows:

YES: Brown, Lindsey, Carlson, Jarboe, Peterson, Smith, Lewis, Howard, Tomes, and Ferguson

NO: No one.

#3. Tract 4 (Retail center):

a. Waiver of Land Development Code (LDC), section 5.5.1.A.3.a to allow parking areas to be located between the primary structure and right-of-way (Whittington Parkway)

On a motion by Commissioner Peterson, seconded by Commissioner Howard, the following resolution, based on the applicant's justification and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners because they are all commercial users that have far less in common with the Cornerstone 2020 Land Development Code than this proposed project because those were developed before this was designated as a Town Center Form District. Furthermore, both Whittington Parkway and Hurstbourne Parkway along the frontages of these tracts have considerable existing landscaping that mitigate the potential adverse consequences of parking located in the front of the building on tract 4 and closer to Hurstbourne Parkway than the LDC otherwise technically permits, and

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WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because not all of the perimeter along Whittington Parkway and Hurstbourne Parkway have parking between the buildings and streets but only in these two relatively minor areas where parking is situated in order to accommodate a better than otherwise master plan for this mixed use activity center, and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would lose valuable/necessary parking in an area where, as noted, there are no negative resulting impacts. Moreover, not all portions of this overall master planned mixed use activity center, especially given the overall configuration of the site and fact that several buildings are located on it, can address the LDC the exact same way; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver of Land Development Code (LDC), section 5.5.1.A.3.a to allow parking areas to be located between the primary structure and right-of-way (Whittington Parkway)

The vote was as follows:

YES: Brown, Lindsey, Carlson, Jarboe, Peterson, Smith, Lewis, Howard, Tomes, and Ferguson

NO: No one.

#4. Tract 5 (Restaurant):

a. Waiver of Land Development Code (LDC), section 5.5.1.A.1.a to not orient the principal building entrance towards the primary street (Hurstbourne Parkway) or to a focal point

On a motion by Commissioner Peterson, seconded by Commissioner Lindsey, the following resolution, based on the applicant's justification and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners because they are all commercial users that have far less in common with the Cornerstone 2020 Land Development Code than this proposed project because those were developed before this was designated as a Town Center Form District, and

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WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because not all of the buildings are affected by this waiver, rather only those that, like the other buildings, need to face inward to the now new master plan for development of this mixed use activity center, and

WHEREAS, the Commission further finds that the four parking spaces as discussed will be removed to create a “focal point” and the entrance will be oriented towards said “focal point”; and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would end up with buildings that face the directions given the nature of this site as now a master planned mixed use activity center; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver of Land Development Code (LDC), section 5.5.1.A.1.a to not orient the principal building entrance towards the primary street (Hurstbourne Parkway) or to a focal point.

The vote was as follows:

YES: Brown, Lindsey, Carlson, Jarboe, Peterson, Smith, Lewis, Howard, Tomes, and Ferguson

NO: No one

#5. Tract 6 (Restaurant):

a. Waiver of Land Development Code (LDC), section 5.5.1.A.1.a to not orient the principal building entrance towards the primary streets (Shelbyville Road and Hurstbourne Parkway) or to a focal point

On a motion by Commissioner Peterson, seconded by Commissioner Smith, the following resolution, based on the applicant’s justification and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners because they are all commercial users that have far less in common with the Cornerstone 2020 Land Development Code than this proposed project because those were developed before this was designated as a Town Center Form District, and

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WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because not all of the buildings are affected by this waiver, rather only those that, like the other buildings, need to face inward to the now new master plan for development of this mixed use activity center, and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would end up with buildings that face the directions given the nature of this site as now a master planned mixed use activity center; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver of Land Development Code (LDC), section 5.5.1.A.1.a to not orient the principal building entrance towards the primary streets (Shelbyville Road and Hurstbourne Parkway) or to a focal point.

The vote was as follows:

YES: Brown, Lindsey, Carlson, Jarboe, Peterson, Smith, Lewis, Howard, Tomes, and Ferguson

NO: No one.

#6 - Revised Detailed District Development Plan (C-1 development site/North)

On a motion by Commissioner Peterson, seconded by Commissioner Smith, the following resolution, based on the applicant's justification and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that this is not a site that includes natural resources, aesthetic interest or historic sites meriting protection. This is a dated underutilized, mostly vacant retail site that is being repurposed and redesigned to reinvigorate this Town Center of Hurstbourne, and

WHEREAS, the Commission further finds that a traffic impact study was prepared for and reviewed/approved by Metro Public Works and Transportation Planning. The development plan was designed to include excellent pedestrian circulation and good vehicular cross access and connectivity to existing road facilities which also lead to and from the greater community, and

WHEREAS, the Commission further finds that internal open and green space is provided, as shown on the development plan, in ways that do not presently exist, and

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WHEREAS, the Commission further finds that as this is presently a fully developed site, new detention is not regulatory required. However, MSD's water quality regulations, which must be satisfied, will address some of these issues, and

WHEREAS, the Commission further finds that the new and better mixed use design for this dated and underutilized retail center will greatly improve aesthetics and both the utility of this site for and compatibility of the site with the greater community, and

WHEREAS, the Commission further finds that the answers to numbers 1 through 5 above, especially considering the detail shown on the development plan filed herewith, demonstrate compliance with the Cornerstone 2020 Comprehensive Plan, especially the Form, Activity Center, Compatibility, Circulation, Transportation Facilities, Alternative Transportation, Water Quality, and Landscape Guideline and applicable policies; and

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Hurstbourne that the Revised Detailed District Development Plan (C-1 development site/North) be **APPROVED**, on condition that the dumpster location is removed away from **Shelbyville Road** and located as shown on the rendering provided by the applicant; and on condition that the entrance for Tract 6 is oriented to the west; and on condition that parallel parking is removed from Whittington Parkway; and on condition that a secondary crosswalk is provided and sidewalk extended as discussed at the Planning Commission hearing of April 5, 2018; and on condition that crosswalks over the internal access drive are raised crosswalks; and on condition that variances are granted by the Board of Zoning Adjustment; and **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 and the City of Hurstbourne for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no direct vehicular access to Hurstbourne Parkway or **Shelbyville Road**.
3. **Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested for each tract:**
 - a. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10
 - b. A subdivision plat creating the tracts as shown on the approved district development plan shall be recorded.
 - c. **Renderings of each building shall be provided to Planning and Design Services staff for review and incorporation into the case file**

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- d. A cross access and shared parking agreement shall be recorded for all tracts as shown on the approved detailed district development plan.**
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted.
 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. 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.
 7. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
 8. The applicant shall provide documentation to **Planning and Design Services staff for incorporation into the case file** showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
 - a. Mounting Height Limit
 - b. Luminaire Shielding
 - c. Canopy Lighting Level
 - d. Light Trespass
 9. The above binding elements may be amended and provided for in the zoning district regulations, upon approval of the City Commission

The vote was as follows:

YES: Brown, Lindsey, Carlson, Jarboe, Peterson, Smith, Lewis, Howard, Tomes, and Ferguson

NO: No one.

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#7 - Category 3 Development Plan (C-2 development site/South)

On a motion by Commissioner Peterson, seconded by Commissioner Smith, the following resolution, based on the applicant's justification and testimony heard today, was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Category 3 Development Plan (C-2 development site/South), On Condition that a landscaping and tree preservation plan is approved prior to the issuance of any permit on any tract subject to this approval, a subdivision plat creating the tracts as shown on the approved category 3 development plan is recorded, renderings of all structures are provided to Planning and Design Services staff for review and incorporation into the case file prior to requesting any permit, a cross access and shared parking agreement is recorded for all tracts as shown on the approved category 3 development plan, and that necessary variances are granted by the Board of Zoning Adjustment.

The vote was as follows:

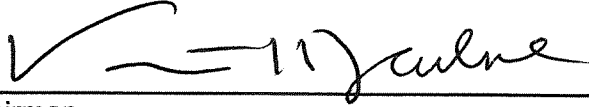
YES: Brown, Lindsey, Carlson, Jarboe, Peterson, Smith, Lewis, Howard, Tomes, and Ferguson

NO: No one.


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ADJOURNMENT

The meeting adjourned at approximately 3:15 p.m.



Chairman



Division Director