

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION MEETING
October 15, 2020**

A meeting of the Louisville Metro Planning Commission was held on Thursday, October 15, 2020 via Webex.

Commissioners present:

Vince Jarboe, Chair
Robert Peterson
Lula Howard
Rich Carlson
Ruth Daniels
Jeff Brown
Patricia Seitz
Jim Mims

Commissioners absent:

Marilyn Lewis, Vice Chair

Staff members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Lacey Gabbard, Planner I
Dante St. Germain, Planner II
Laura Ferguson, Legal Counsel
Beth Stuber, Transportation Planning
Mark Sites, MSD
Chris Cestaro, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the Minutes for the October 1, 2020 Planning Commission public hearing.

00:04:21 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the hearing conducted on October 1, 2020.

The vote was as follows:

YES: Commissioners Daniels, Carlson, Brown, Seitz, Mims, Peterson, Howard, and Jarboe.

NOT PRESENT: Commissioner Lewis.

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CONSENT AGENDA

CASE NO. 20-STRCLOSURE-0013

Request: Closure of Public Right-of-Way
Project Name: Magazine Street Apartments Alley Closure
Location: Unnamed Alley off of 29th Street
Owner: Louisville Metro Applicant: LDG Development
Representative: Cliff Ashburner, Dinsmore & Shohl
Jurisdiction: Louisville Metro
Council District: 5 - Donna Purvis

Case Manager: Lacey Gabbard, AICP, Planner I

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:
No additional staff testimony or statements.

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.

00:04:58 On a motion by Commissioner Howard, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant’s representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of- way to be closed will be left absent of public facilities, or services, or be dispossessed of public access to their property; and

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WHEREAS, the Commission further finds that any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

WHEREAS, the Commission further finds that the request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; Mobility Goal 3, Policy 1 states to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management.

Provide walking and bicycling opportunities to enable activity centers to minimize single- occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers; Mobility Goal 3, Policy 3 to evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices; Mobility Goal 3, Policy 5 to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality; and Mobility Goal 3, Policy 12 states to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent

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lands maintain access to public infrastructure and utility services will continue to be provided to these lands.

And

WHEREAS, the Commission further finds that there are no other relevant matters to be considered by the Planning Commission; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested closure of the public right-of-way on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Daniels, Carlson, Brown, Seitz, Mims, Peterson, Howard, and Jarboe.

NOT PRESENT: Commissioner Lewis.

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PUBLIC HEARING

CASE NO. 20-ZONE-0034

Request: Change in form district from NFD to SMCDFD, change in zoning from R-4 to C-1, with Detailed District Development Plan and Binding Elements - **NIGHT HEARING REQUEST**

Project Name: RaceTrac

Location: 11800 - 11908 E Orell Road, 11705 Dixie Highway

Owner: Herman & Karl Gohl, Catherine & Charles Grissett, Kathy Gibson

Applicant: RaceTrac Petroleum Inc.

Representative: Cliff Ashburner, Dinsmore & Shohl

Jurisdiction: Louisville Metro

Council District: 14 - Cindi Fowler

Case Manager: Dante St. Germain, 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:

00:08:02 Dante St. Germain said this case has been before the Planning Commission several times, to schedule a night hearing. She said she has not received any communication from the applicant regarding a potential night hearing date; therefore, she requested a continuance of this case to an LD&T Committee meeting, date uncertain.

00:08:41 Brian Davis, Planning & Design Manager, said the reason for the continuance the last time was because there was an Ordinance filed by the Louisville Metro Council regarding potential changes to night hearing procedures. At this time, there has been no movement on that Ordinance by the Council. He said he has been in contact with the applicant, who requested that a night hearing be scheduled and conducted according to procedures put in place by Planning & Design Services. He said that November 10, 2020 would be the preferred date for the proposed facility and the applicant (see recording for detailed discussion.)

The following spoke in support of this request:

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

Summary of testimony of those in support:

00:10:32 Cliff Ashburner, the applicant's representative, gave a brief history of the case and what the applicant has done so far (see recording.)

The following spoke in opposition to this request:

James Jones, 6326 Winding Spring Drive, Louisville, KY 40272

Misty Pack, 6204 Winding Spring Drive, Louisville, KY 40272

Shellie Nitsche, 2117 Walnut Place, Louisville, KY 40205

Summary of testimony of those in opposition:

00:12:39 James Jones said it is irresponsible to hold an in-person public hearing right now because the COVID numbers are rising. He said holding a public hearing now is unsafe, and asked that any night hearing be postponed until it is safe.

00:14:13 Misty Pack said she also lives in the neighborhood where this project is being proposed, and she agreed with Mr. Jones. She said there are about 350 signatures of people who want an in-person hearing. She feels she and the other residents "will not be heard" unless there is an in-person hearing.

00:19:18 Shellie Nitsche said that, while she is sympathetic to COVID concerns, she said that any meeting requiring public input should be held in-person and in the neighborhood. She feels that online hearings "put the public at a disadvantage." She also said that there is inadequate notification, people aren't being heard, that the Planning Commission has become "developer-centric."

The following spoke neither for nor against the proposal ("Other"):

No one spoke.

00:16:07 Commissioners' deliberation.

00:21:50 After Ms. Nitsche spoke, Mr Ashburner said that no one is trying to hide anything – this case has bene to LD&T and the Planning Commission; a neighborhood meeting was held in the neighborhood, etc. He said that public notification and access is greater now than it was in 2019, and that public input has been collected for the last nine months.

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00:24:21 SEE RECORDING FOR DETAILED DISCUSSION.

00:24:21 In response to questions from Commissioner Carlson, Mr. Davis detailed the Health Department and Safety and Health Committee (part of Metro Human Resources Department.)

00:26:14 Councilwoman Cindi Fowler said she has contacted Dr. Moyer regarding in-person meetings. She received an e-mail from Dr. Moyer stating that she does not recommend in-person meetings (see recording for detailed discussion.) She said she would forward Dr. Moyer's e-mail to the Planning Commission, and also to Planning & Design staff.

00:28:37 Laura Ferguson, legal counsel for the Planning Commission, explained why the Planning Commission is "on firm legal footing" for having virtual night hearings (see recording for detailed discussion.)

00:36:22 Misty Pack said she and Mr. Jones had asked many of their neighbors to attend (virtually or by phone) these meetings, and the neighbors don't because they say that 1:00 p.m. "is not a good time" or "nobody feels comfortable speaking up." She said neighbors don't feel comfortable with hybrid meetings "because that is something new." She reviewed her concerns in detail (see recording.)

00:39:30 Resume Commissioners' discussion.

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.

00:57:46 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby schedule a night hearing on this case, to be heard on November 10, 2020 at 6:30 p.m. via Webex AND in-person at the November 10, 2020 at the Valley Hope Center, 10803 Deering Road. The motion carried by the following vote:

The vote was as follows:

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YES: Commissioners Daniels, Carlson, Brown, Seitz, Mims, Peterson, Howard, and Jarboe.

NOT PRESENT: Commissioner Lewis.

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PUBLIC HEARING

CASE NO. 20-ZONE-0067

Request: Change in zoning from R-1 & R-4 to PEC, with Detailed District Development Plan and Binding Elements, and associated Waiver

Project Name: Republic National Distribution Center

Location: 11899 - 12009 Rehl Road

Owner: Larry & Sharon Sorrell, William Andrew & Tina Coombs, Sherrill Ray & Joetta Smith, Sherrill Smith & Brent Smith & Teri Medley

Applicant: Republic National Distributing Company LLC

Representative: Bardenwerper Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 20 - Stuart Benson

Case Manager: Dante St. Germain, 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.)

00:59:11 *NOTE: Before this case commenced, Commissioner Peterson stated his opposition to taking any testimony from anyone who was driving. He expressed strong concern that that constitutes distracted driving and is a safety hazard. He asked that this become a standard Planning Commission bylaw/procedure. Commissioners Seitz, Jarboe, and Howard agreed.

Agency Testimony:

01:01:04 Dante St. Germain presented the case and showed a Power Point presentation (see recording for detailed presentation.)

01:07:38 In response to a question from Commissioner Mims, Ms. St. Germain briefly reviewed previous actions taken on another parcel in this development (see recording for detailed discussion.) She added that staff has not received building elevations at this time, although the applicant may have some.

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The following spoke in support of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Kent Gootee, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219 (did not speak)

Diane Zimmerman, traffic engineer (did not speak)

Summary of testimony of those in support:

01:09:38 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:23:34 In response to a question from Commissioner Mims, Mr. Pregliasco said there were no comments received from the Blackacre Group. He said the Tucker Station Neighborhood Association was represented at the neighborhood meeting and asked questions. He said their main issue/s seemed to be additional traffic on Rehl Road and truck access.

01:25:50 In response to a question from Commissioner Brown, Mr. Pregliasco used an aerial photo to describe the property directly to the north, which does have frontage on both Blankenbaker Road and Electron Drive.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the request ("Other"):

No one spoke.

01:27:54 Commissioners' deliberation.

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

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01:29:21 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of Community Form: Goal 1 because the site is surrounded on three sides by PEC- zoned industrial development. The proposal would not constitute a non-residential expansion into an existing residential area; Blankenbaker Parkway is a minor arterial at this location. The site is located adjacent to an existing activity center; the proposal is for industrial zoning. The site is located in the Suburban Workplace form district. Disadvantaged populations will not be disproportionately impacted by air, noise or light emissions from the site. Air, noise and light emissions must comply with LMCO and LDC restrictions; the site is located in an industrial area and noxious odors, particulates and emissions are unlikely to impact residential areas. The Tyler Rural Settlement District to the south is largely undeveloped in this location. Access to the site is via Blankenbaker Parkway, a minor arterial, and Rehl Road, a secondary collector at this location; noise impacts from the site are unlikely to affect residential uses; and the proposed zoning district would permit industries which handle hazardous or flammable materials. The site is located away from residential areas; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 2 because the site is located adjacent to an existing activity center zoned PEC.; retail development would be permitted by the proposed zoning district. The site is located in an existing activity center; the proposal would permit a more compact development pattern in an existing activity center; the proposal would permit a mixture of land uses which are compatible with adjacent land uses; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Community Form because residential uses would not be permitted in the proposed zoning district; the proposal would permit new commercial or office structures; and the proposal does not include underutilized parking lots; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 3 because tree canopy will be preserved at the north of the site no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; the site is not located in the Ohio River Corridor; and the site is not located in a flood prone area. Potential karst features on the site are being avoided; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 4 because the existing structures on the site are not proposed

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to be preserved. The structures do not appear to have historic or architectural value; and no distinctive cultural features are evident on the site; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 1 because the site is located adjacent to an existing activity center and employment center; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 3 because the site is accessible by car, bicycle, transit, pedestrians and people with disabilities; the site is located near a transit corridor; and Transportation Planning has approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Facilities: Goal 2 because the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; and MSD has approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets the intents of Economic Development: Goal 1 because the proposal is for industrial zoning in an existing workplace form district; the proposal is for industrial zoning adjacent to an existing industrial district; the proposal would not permit commercial uses generating high volumes of traffic; the site is not located near the airport or the Ohio River; and the proposal is for industrial zoning. The site is located on an arterial street and near an existing industrial subdivision; and

WHEREAS, the Commission further finds that the proposal meets the intents of Livability: Goal 1 because karst features have been identified on the site and are being avoided by the development; the site is not located in the regulatory floodplain; and the site is not located in the regulatory floodplain; and

WHEREAS, the Commission further finds that the proposal meets the intents of Housing: Goal 1 because the proposal would not permit housing; and

WHEREAS, the Commission further finds that the proposal meets the intents of Housing: Goal 2 because the proposal would not permit housing; and

WHEREAS, the Commission further finds that the proposal meets the intents of Housing: Goal 3 because no existing residents will be displaced by the proposal; and the proposal would not permit housing; now, therefore be it

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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-1 Single Family Residential and R-4 Single Family Residential to PEC Planned Employment Center be **APPROVED**.

The vote was as follows:

YES: Commissioners Daniels, Carlson, Brown, Seitz, Mims, Peterson, Howard, and Jarboe.

NOT PRESENT: Commissioner Lewis.

Waiver

01:30:33 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the adjacent properties are already developed with no plan for connectivity; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 describes the Suburban Workplace form as encouraging public transit and walkways to buildings. No connectivity between abutting Suburban Workplace uses is described; 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 providing connectivity to abutting uses would compromise the security of the site. This site and adjacent sites are not intended to be used in such a manner that one visitor would want to visit multiple sites in a single trip; and

WHEREAS, the Commission further finds that 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 because the security of the site would be compromised for no public benefit; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested **Waiver** from 5.9.2.A.1.b.ii to allow omission of the required vehicular and pedestrian circulation between abutting non-residential uses (20-WAIVER-0074).

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The vote was as follows:

YES: Commissioners Howard, Carlson, Seitz, Mims, Daniels, Brown, Peterson, and Jarboe.

NOT PRESENT: Commissioner Lewis.

Detailed District Development Plan with Binding Elements

01:31:48 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that no natural resources appear to exist on the site except for tree canopy. Tree canopy requirements will be met on the site. The existing buildings are not proposed to be retained. However, the existing buildings do not appear to be historic sites; and

WHEREAS, the Commission further finds that 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 Commission further finds that there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Commission further finds that 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 Commission further finds that the overall site design is compatible with the existing and future development of the area. The site is surrounded on three sides by industrial and commercial development, with the remaining side, to the south, separated from non-industrial and non-commercial uses by Rehl Road; and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Land Development Code and the Comprehensive Plan, with the exception of the requested waiver; now, therefore be it

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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, 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 in the Blankenbaker Parkway right-of-way.
 - 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; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. 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.
 - 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. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be

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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.

The vote was as follows:

YES: Commissioners Daniels, Carlson, Brown, Seitz, Mims, Peterson, Howard, and Jarboe.

NOT PRESENT: Commissioner Lewis.

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PUBLIC HEARING

CASE NO. 20-MSUB-0007

Request: Major Preliminary Subdivision
Project Name: Olmsted Place Subdivision
Location: 2000 & 2050 Millvale Road
Owner: Heel Give Plant, LLC and Donald & Myrna Hinkebein
Applicant: RLM Construction Co. Inc.
Representative: Land Design and Development
Jurisdiction: Louisville Metro
Council District: 8 - Brandon Coan

Case Manager: Joel P. Dock, 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:

01:34:20 Julia Williams, Planning Supervisor with Mero Planning & Design Services, presented the case on behalf of Joel Dock and showed a Power Point presentation (see recording for detailed presentation.) She noted that this case was continued to the Planning Commission from the October 8, 2020 Land Development and Transportation Committee (LD&T). It was continued just to discuss the Geotechnical Report.

01:39:09 In response to a question from Commissioner Brown, Mr. Dock said that the most recent plan shows the stub extended, and the geotechnical report did, for the most part, indicate everything that we need to know to determine compliance with requirements.

The following spoke in support of this request:

Tanner Nichols, Frost Brown Todd, 400 West Market Street, Louisville, KY 40202

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

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Bob McAuliffe, RLM Construction Company, 3522 Frankfort Avenue, Louisville, KY 40207

Summary of testimony of those in support:

01:39:55 Tanner Nichols, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in opposition to this request:

Shellie Nitsche, 2117 Walnut Place, Louisville, KY 40205

Mary Kay Korfhage (sp), 2424 Douglass Boulevard, Louisville, KY 40205

Summary of testimony of those in opposition:

01:42:42 Shellie Nitsche said she read the geotechnical report, and it did not mention the steep terrain area around the bridge. She asked what was being done to mitigate that. Mr. Nichols said there will have to be a slight grading of that area. The applicant will work with the geotechnical report's recommendations, and Louisville Metro Public Works, to make sure that is done appropriately. Commissioner Brown said it appears that no land disturbance is proposed adjacent to the creek, since this area is proposed to remain open space. Joel Dock, the case manager, agreed with Commissioner Brown. Mr. Nichols said that reinforcing work is proposed for the bridge, but there is no land disturbance for the sloped area around the bridge.

01:45:52 Ms. Nitsche also asked about slope disturbance on Roadway A and on Lot 4. She said a letter that was submitted by the applicant, submitted October 12 2020, only addresses the roadway cut. Mr. Dock said that Lot 4 is covered in the initial geotechnical survey as the northwest corner. Mike Hill, Land Design & Development, discussed the geotechnical report and the letter submitted on October 12 in more detail (see recording for detailed discussion.)

01:49:53 Ms. Nitsche said some information in the staff report was not correct. Mr. Dock said that the current staff report has not been changed since the LD&T meeting last week because this case was continued. Ms. Nitsche said she still did not see any information about Lot 4. Mr. Nichols and Mr. Dock discussed the geotechnical report and the staff report in detail (see recording for discussion.)

01:54:17 Ms. Nitsche said she was unsatisfied with the level/s of accuracy, notification, and transparency in this case. In response, Julia Williams, Planning Supervisor with Planning & Design Services, addressed notification procedures. She

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said all of the notification procedures are listed on the Planning and Design website (address given.)

01:58:51 Mary Kay Korfhage (sp) said “very few neighbors in this area know about the development”. She asked for a delay in any decision until more neighbors know about it and have an opportunity to provide input. She said approval of this proposal sets a precedent for more development around the park, which she said was never Frederick Law Olmstead’s intention.

02:00:55 She asked if there were any plans to buy or develop the Hinkebein estate. Mr Nichols said the applicant has no knowledge of any planned development on that estate. He said the applicant had a neighborhood meeting on June 29th, which was noticed, and also met with neighborhood representatives on September 11th. He said the applicant and developer has tried to reach out to neighbors and work with them. Ms. Korfhage said she met with the applicant on the property, but that notices were only sent to residences adjoining the property. Mr. Nichols said notices were sent to residences according to the Land Development Code.

02:03:27 Bob McAuliffe, an applicant’s representative, described the contacts he’s had with Ms. Nitsche; and has met with neighbors and Commissioner Brown and Public Works staff, etc. (See recording for detailed discussion.) Commissioner Jarboe detailed what is required of the applicant by the Land Development Code.

02:07:21 In response to a request from Commissioner Carlson, Laura Ferguson, legal counsel for the Planning Commission, discussed the level of discretion the Planning Commission has regarding a standard subdivision case (see recording.)

02:09:20 In response to a question from Commissioner Mims, Mr. Dock said there had been some issues with the timing of the receipt of the geotechnical report, which is why this case is before the Planning Commission. Commissioner Mims, Commissioner Carlson, and Mr. Dock discussed timing of meetings (LD&T, Planning Commission, etc.) that could review and vote on this case. Commissioner Mims and Commission Brown discussed Commissioner Brown’s opinion of the geotechnical report. He noted that Public Works will also be involved on-site during road construction. In response to another question from Commissioner Mims, Mr. Dock said MSD would not have reviewed the geotechnical report.

02:15:22 Commissioner Carlson requested a Condition of Approval regarding any blasting (pre- and post-blast surveys, etc.) His suggested language is as follows:

All property owners within one-half a mile of a proposed blasting location shall be notified 30 days before any blasting operations occur, and offered pre- and post-blast

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surveys. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations, and notice shall be made by certified US Mail, Return Receipt Requested.

02:17:08 Ms. Nitsche asked if she was correct about the property addresses. Commissioner Jarboe said any corrections to the property address in the staff report can be fixed at the time of construction review. Mr. Dock discussed the address/es in detail. Commissioner Brown said the parcel listed as 2002 is what will need to be accessed to widen the road. Mr. Nichols discussed the address issue in the staff report.

02:21:29 Commissioner Howard asked if a legal description of the property was required to be submitted. Ms. Williams said no, but the applicant and adjacent property owner/whoever is in charge of the trust has signed the application to allow that subdivision on that property. That is all that is required according to the Land Development Code.

02:22:57 Commissioners' deliberation.

02:24:05 Commissioner Brown read proposed Conditions of Approval into the record:

1. Prior to the recording of the Record Subdivision Plat, Louisville Metro Public Works may require a bond be posted with Develop Louisville as part of Transportation Planning review in an amount not to exceed \$300,000, based on the structural evaluation of the bridge during the rehabilitation work and recommended in the letter provided by Al S. Bozich and dated May 27, 2020 for the future bridge maintenance and repairs. Funds will remain available for future bridge maintenance, and any funds remaining after repair will be released.
2. All property owners within one-half a mile of a proposed blasting location shall be notified 30 days before any blasting operations occur, and offered pre- and post-blast surveys. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations, and notice shall be made by certified US Mail, Return Receipt Requested.

02:26:14 ***NOTE***: The Commissioners came out of Business Session to hear Mr. Nichols, who said that the applicant is opposed to conducting pre-blast surveys to every residence within a half a mile of the site. That could be 500 homes. Typically, these subdivisions are required to follow Kentucky Revised Statutes, which the applicant has done. In response to a question from Commissioner Jarboe, the Commissioners and Mr. Dock discussed blasting requirements for strip mining and what has been done for other work requiring pre-blast surveys. Commissioner Carlson said he was ok for a pre-

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blast survey being done for 500 feet of the blast site. After much discussion, the applicant, Mr. Nichols, and the Commissioners agreed on the following revised Condition of Approval:

2. All property owners within 500 feet of a proposed blasting location shall be notified 30 days before any blasting operations occur, and be offered pre- and post-blast surveys. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations.

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.

Major Preliminary Subdivision Plan with review of land disturbing activity on slopes greater than 20%

02:35:54 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Major Preliminary Subdivision Plan with review of land disturbing activity on slopes greater than 20% and including the Conditions of Approval in the staff report and as noted at today's meeting, as follows:

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. 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. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall

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be permitted within the fenced area."

4. All street signs shall be installed by the Developer, and shall conform to 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.
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. 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.
7. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
8. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
9. 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.

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10. 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 filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs and other issues required by these binding elements / conditions of approval.
 - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
11. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
12. Any signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
13. 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."
14. Building envelopes and limits of disturbance shall be substantially similar to those shown on the preliminary plan and must be shown and recorded on the record subdivision plat.
15. Prior to the recording of the Record Subdivision Plat, Louisville Metro Public Works may require a bond be posted with Develop Louisville as part of Transportation Planning review in an amount not to exceed \$300,000, based on the structural evaluation of the bridge during the rehabilitation work and recommended in the letter provided by Al S. Bozich and dated

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May 27, 2020 for the future bridge maintenance and repairs. Funds will remain available for future bridge maintenance, and any funds remaining after repair will be released.

16. All property owners within 500 feet of a proposed blasting location shall be notified 30 days before any blasting operations occur, and be offered pre- and post-blast surveys. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations.

The vote was as follows:

YES: Commissioners Daniels, Carlson, Brown, Seitz, Mims, Peterson, Howard, and Jarboe.

NOT PRESENT: Commissioner Lewis.

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CASE NO. 20-AREA-0001

Request: James Taylor-Jacob School Neighborhood Plan and Executive Summary
Project Name: James Taylor-Jacob School Neighborhood Plan
Location: Louisville Metro
Applicant: Louisville Metro
Jurisdiction: Louisville Metro
Council District: 16 - Scott Reed

Case Manager: Michael King, Planning Manager

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:

02:38:36 Michael King presented the case and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in support of this request:

Jessica Brown, Center for Neighborhoods, 1028 Rawling Wood Lane, Goshen, KY 40026

Councilman Scott Reed, 601 West Jefferson Street, Louisville, KY 40202

Michelle Barnett, Shirley Avenue (was not present but had her statement read in to the record by Jessica Brown)

Arnita Gadson, 6311 Bass Road, Prospect, KY 40059

Mark Raymond Jackson, 7700 Upper River Road, Prospect, KY 40059

Summary of testimony of those in support:

02:41:54 Jessica Brown, Center for Neighborhoods and lead consultant, continued the presentation and showed a Power Point presentation (see recording.)

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02:56:23 Mr. King concluded the presentation (see recording.)

02:57:46 Councilman Scott Reed endorsed the Neighborhood Plan (see recording for detailed statement.)

03:00:01 Michelle Barnett was not able to attend personally, but she sent her comments to Jessica Brown, who read them in to the record (see recording.)

03:01:51 Arnita Gadson said she agreed with everything in Ms. Barnett's statement and said she was strongly in support of the proposed plan.

03:03:06 Mark Jackson, the current president of the Neighborhood Association, agreed with previous statements and said he endorses the Neighborhood Plan.

03:06:03 In response to a question from Commissioner Mims, Ms. Brown said that approving the neighborhood plan will help the neighborhood when they apply for Historic Preservation funds to preserve the Rosenwald School.

03:08:20 Commissioner Mims also asked about drainage issues – is that river flooding, or is it an issue with drainage pipes and swales? Ms. Brown summarized what they had found through research (see recording for detailed discussion.) She said that the consultant had had many meetings with MSD and there is a draft plan to build a 100-year pipe under Bass Road to help with outflow.

The following spoke in opposition to this request:

No one spoke.

03:10:45 Commissioners' deliberation.

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.

James Taylor – Jacob School Neighborhood Plan

03:16:40 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of Community Form Goal 1 because the proposed recommendations guide the form and design of development to be responsive to the distinctive physical, historic and cultural qualities of the James Taylor – Jacob School area; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form Goal 2 because the proposed recommendations encourage sustainable growth and density around corridors; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form Goal 3 because the proposed recommendations enhance the James Taylor – Jacob School area by protecting and integrating open space, watersheds and other natural resources; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form Goal 4 because the proposed recommendations promote the historic resources that contribute to the James Taylor – Jacob School area’s authenticity; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility Goal 1 because the proposed recommendations promote an accessible system of alternative transportation modes; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility Goal 2 because the proposed recommendations promote a safe, accessible and efficient transportation system; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed James Taylor – Jacob School Neighborhood Plan be **APPROVED**.

The vote was as follows:

YES: Commissioners Daniels, Carlson, Brown, Seitz, Mims, Peterson, Howard, and Jarboe.

NOT PRESENT: Commissioner Lewis.

Adoption of the James Taylor – Jacob School Neighborhood Plan Executive Summary as an Amendment to Plan 2040

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03:18:02 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of Community Form Goal 1 because the proposed recommendations guide the form and design of development to be responsive to the distinctive physical, historic and cultural qualities of the James Taylor – Jacob School area; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form Goal 2 because the proposed recommendations encourage sustainable growth and density around corridors; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form Goal 3 because the proposed recommendations enhance the James Taylor – Jacob School area by protecting and integrating open space, watersheds and other natural resources; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form Goal 4 because the proposed recommendations promote the historic resources that contribute to the James Taylor – Jacob School area’s authenticity; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility Goal 1 because the proposed recommendations promote an accessible system of alternative transportation modes; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility Goal 2 because the proposed recommendations promote a safe, accessible and efficient transportation system; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed James Taylor – Jacob School Neighborhood Plan Executive Summary as an Amendment to Plan 2040 be **APPROVED**.

The vote was as follows:

YES: Commissioners Daniels, Carlson, Brown, Seitz, Mims, Peterson, Howard, and Jarboe.

NOT PRESENT: Commissioner Lewis.

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CASE NO. 20-ZONE-0063

Request: Change in zoning from R-6 and C-1 to C-2, commercial with detailed district development plan
Project Name: Longtail Building
Location: 2528-2532 S. 4th Street
Owner: Longtail Ventures, LLC
Applicant: Longtail Ventures, LLC
Representative: Wyatt, Tarrant, & Combs, LLP
Jurisdiction: Louisville Metro
Council District: 6 - David James

Case Manager: Joel P. Dock, 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:

03:19:07 Julia Williams, Planning Supervisor with Planning & Design Services, presented the case on behalf of Joel Dock and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in support of this request:

Jon Baker, Wyatt Tarrant & Combs, 400 West Market Street Suite 2000, Louisville, KY 40202

Josh and Melanie Rosenthal, 2325 South Sixth Street, Louisville, KY 40208

Alex Rosenberg, engineer (did not speak)

Summary of testimony of those in support:

03:24:45 Jon Baker, the applicant's representative, presented the applicant's case and began showing a Power Point presentation (see recording for detailed presentation.)

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03:27:05 Josh Rosenthal, the applicant, presented his case and showed a Power Point presentation (see recording for detailed presentation.)

03:33:12 Mr. Baker resumed and concluded the presentation. He also read a letter from Patrick Piuma into the record (see recording.)

The following spoke in opposition to this request:

No one spoke.

03:51:16 Commissioners' deliberation.

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.

Zoning

03:55:12 On a motion by Commissioner Howard, seconded by Commissioner Seitz, the following resolution, based on the applicant's justification and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of Plan Element 1 – Community Form because the Community Form plan element guides the shape, scale and character of development in ways intended to promote a connected, healthy, authentic, sustainable and equitable built environment. Community Form encourages *redevelopment while promoting land use flexibility*. What's more, Community Form recommends historic preservation of buildings and promotes the arts and creativity to enhance the quality of life and a sense of place. As described in detail herein, the applicant's Proposal advances these stated principles of the Community Form because the Proposal involves the restoration and adaptive re-use of an existing structure, which holds the corner of a block in an already-established neighborhood along S 4th St., an important urban corridor in strong need of reinvestment and vitality.

The Proposal complies with Community Form Goal 1, Policy 3.1.2 because the Property lies within the Traditional Neighborhood Form District, which is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks. The higher density uses are encouraged to be located in centers or near parks and open spaces

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having sufficient carrying capacity as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods, (b) in the case of new developments or *redevelopments* using traditional building scales and site layouts, (c) the preservation of the existing grid pattern of streets and (d) preservation of or creation of new public open space.

The Proposal aims to reinforce and revitalize the S. 4th St. Traditional Neighborhood Form because the applicant has invested significant time and capital in restoring a corner building that housed the well-known Whirlaway Tavern, long-standing whiskey-by-the-drink bar that served the neighborhood from 1946 to 2018. In its place, the applicant proposes the LongTail (a name that gives a nod to ol' Whirlaway), a neighborhood- and community-serving beer garden and bar where the applicant wishes to cultivate interaction and activity primarily for the residents of the immediate area. The adjacent structure (2528 S. 4th St.) has also been brought back to life from its near demise. Both structures are remade mostly within their original footprints and without increase in height or bulk, thereby maintaining traditional building scales. Setbacks of the buildings remain the same. The R-6 zoned portion of the site was added to the Property for increased internal green space and added buffer between the commercial uses fronting the S. 4th St. corridor and the start of the residential properties of the Traditional Neighborhood Form, located behind and west of said commercial uses.

The applicant has planted and plans to further plant numerous trees and native bushes and shrubs throughout the site and more heavily along rear property line to establish a nice, aesthetically pleasing buffer between the commercial and residential properties. A large mature tree with a generous canopy looks over the northwestern corner of the Property, which will be preserved as a vital natural resource. No flood prone areas or wet or highly permeable soils, or sever, steep or unstable slopes exist on the Property to avoid. Hence, the Proposal protects existing natural resources and proposes integration of additional tree canopy and landscaping into the sight. Consequently, the Proposal complies with Community Form's Goal 3 and its applicable policies.

No change to the existing grid pattern of streets is proposed, although improvements to the S. 4th St. streetscape are intended in the form of a new TARC stop and bicycle parking. In an effort to keep matters green and with less blacktop onsite, the applicant proposes no off-street parking on the Property. On a day-to-day basis, the Proposal aims to cater mainly to the residents and those who work in the immediate neighborhood, where folks can walk, bicycle, ride TARC, or use Uber/Lyft, if necessary, as transportation to the Property. Moreover, providing less blacktop onsite in favor of greenery supports the effort to reduce heat island effect in the surrounding area, an

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issue so prevalent in Louisville that it has garnered national attention from media outlets, some of which have called it the worst in the country.

Goal 2 of the Community Form encourages sustainable growth and density around mixed- use centers and corridors, while Goal 4 promotes the preservation of historic resources that contribute to our authenticity. The applicant's Proposal harmonizes with these two Community Form goals because, as mentioned, great efforts were undertaken to completely refurbish – from its foundation up – the old Whirlaway Tavern building, which perfectly holds the corner of Montana Avenue and the S. 4th. St. corridor, a location within an existing and growing activity center comprised of mixed uses. Anchoring the northern end of the Traditional Neighborhood Form is The Marshall, another high-density multi-family residential building located on property zoned C- 2, Commercial. The Marshall is approximately a block to the north from the LongTail, at the northwest quadrant of the Creel Avenue and S. 4th St. intersection (same side as the street as LongTail Building). Directly across S. 4th St. is a small Traditional Workplace Form, which contains properties zoned EZ-1 and M-2. The primary use of this smaller Workplace Form is a large, densely built multi-family apartment complex named the Trifecta Apartments. Adjacent to the south of the Trifecta Apartments is property zoned C-2, Commercial, where a restaurant currently exists. To the east and north of this Workplace Form is the University of Louisville Campus Form, which contains institutional, residential, office and commercial uses that serve the University. To the west of the S. 4th St. corridor, and extending westward to 7th Street Road, is the primary residential component of the surrounding Traditional Neighborhood Form. Here within this traditional neighborhood, residents have a well-established grid of streets and sidewalk connections to walk and bike to the Property. To the south, toward Churchill Downs, C-1 and C- 2, Commercial and a small amount of M-2, Industrial properties front the S. 4th St. corridor. Beginning at M Street and heading 3 blocks south to Central Avenue, all of the properties fronting the S. 4th St. corridor are zoned C-2 Commercial, many of which need reinvestment and reactivity. The Proposal provides appropriate access and connectivity to serve more than sufficient demand for walkable, neighborhood-servings uses. It is hopeful that with the opening of the LongTail at its location, additional reinvestment will come to the area and add to the growth, density and mix of uses the S. 4th St. Corridor so desperately needs.

And although Goal 5 of Community Form sets forth only programmatic policies, the Proposal certainly integrates art and cultivates creativity. The applicant took special care to hire ghosts sign specialists to research and recreate the public murals directly onto the brick exterior of the LongTail building, which resemble the old advertisement signs from yesteryear. Not only does this integrate art into the built environment in view from the streetscape, but it also adds to the authenticity of the building and immediate area of the activity center. Thus, the Proposal certainly promotes the spirit of Goal 5; and

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WHEREAS, the Commission further finds that the proposal meets the intents of Plan Element - 2 Mobility because Goal 1 of Plan 2040's Mobility Plan Element is to implement an accessible system of alternative transportation models. (Incidentally, the image selected for Goal 1 of Mobility is of a location on the S. 4th St. corridor, two blocks north of the Property). Goal 2 of the Mobility Plan Element is to plan, build and maintain a safe, accessible and efficient transportation system, while Goal 3 encourages land use and transportation patterns that connect Louisville Metro and support future growth. The applicant's Proposal complies with Plan 2040's Mobility Plan Element and furthers it three goals because it encourages the utilization of the existing multi-modal transportation systems currently serving the S. 4th St. corridor and will facilitate the strengthening of walkability in the immediate area of the applicable Traditional Neighborhood Form, where pedestrian connections have long been in place. As mentioned, the Property is located in an existing activity center that is being rejuvenated by quality, high density multi-family residential communities constructed to primarily serve the nearby University of Louisville (the Marshall, Trifecta Apartments); the momentum of S. 4th Street's redevelopment is positioned to continue south, where vacant and underused properties are ripe for reinvestment. The Property is well positioned on the edge of the traditional neighborhood, with the bulk of the residential properties to its west and a traditional workplace form directly across S. 4th St. from the Property. The intended use of the Property as a beer garden/bar is appropriately located within the traditional neighborhood for mobility of people because it is located at the corner of Montana Avenue, a local level roadway, and S. 4th Street, a minor arterial roadway, where both roadways contain street-level sidewalks. Moreover, the applicant looks forward to helping TARC construct new bus stop improvements for the existing TARC stop located on S. 4th St. near the entrance to the LongTail Building. The transit stop provides a convenient, accessible location, minimizing distances for pedestrians and transit users. The Property is also in ideal location for cyclists who travel the Olmsted Parkways from/to Cherokee, Iroquois, and Shawnee Parks, among others. The Property is central to the locations of these parks and is located near access to Eastern Parkway, Algonquin Parkway and Southern Parkway. Bicycle parking will be furnished on the Property to accommodate cyclists, further supporting non-motorized methods of mobility.

The applicant's redevelopment and reuse of the structure on the site as a neighborhood-serving beer garden/bar heavily discourages single-occupant vehicular travel; rather, the applicant stresses the intent behind its Proposal is to serve the community of the immediate area and prefers patrons to walk, bike, and utilize transit to access the Property. Indeed, the addition of a neighborhood beer garden to the area where no such use exists today will contribute to reducing miles traveled for the residents living in the neighborhood, whom now have to venture elsewhere from the immediate area to find a similar use. The applicant wishes to not provide off-street

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parking onsite in favor of maintaining more greenery. Accordingly, it is intentional to deprive the Property of additional parking not only as a means of reducing unnecessary blacktop in an area already suffering from urban heat island effect, but also as a deterrent to users of vehicular traffic. Rather, the applicant believes the Proposal's location on a corner property is the ideal spot to locate a neighborhood-serving use because the LongTail fronts a heavily-traveled corridor and within a traditional neighborhood well served by pedestrian connections and the onsite availability of transit. Moreover, its proximity to high-density residential, numerous workplaces and within reasonable walking distances to the University and Louisville and Churchill Downs supports the position that the use can be well-served without the need of much parking. The attendees to the neighborhood meeting were in agreement that LongTail would well serve the immediate area without the need for additional parking and the idea of creating off-street parking was not supported. The applicant will be submitting a request for relief from the minimum parking requirement attributable for the proposed use on the Property. There will be no circulation of vehicles on the Property.

For the foregoing reasons, the Proposal complies with the Mobility Plan Element of Plan 2040, including its Goals 1, 2 and 3 and their applicable Policies. The redevelopment of the Property has created keen interest from residents in the neighborhood, many of whom have knocked on the front door while walking past the LongTail to inquire about its (re)opening. The location of a beer garden on a corner property within a traditional neighborhood form is a common neighborhood-serving use found in numerous urban neighborhood settings across the country, whether Chicago, Philadelphia, New York, Memphis etc., to name a few. The Proposal is properly supported by a safe, accessible and efficient transportation network that connects areas of residential, commercial, workplace, and recreation from various modes of transportation, namely pedestrian connections, easy access to transit and bicycles; and

WHEREAS, the Commission further finds that the proposal meets the intents of Plan Element 3 – Community Facilities because Plan 2040's Community Facilities Plan Element provides guidance and recommendations for the proper integration of necessary community resources across Louisville Metro to plan and maintain accessible facilities that will improve the quality of life for existing and future residents and visitors of Louisville Metro. The Proposal complies with Plan 2040's Community Facilities Plan Element, and all applicable Goals, Objectives and Policies thereunder, because the Property is within the urban service district, served by existing infrastructure and all necessary utilities, including water, sewer, electricity, telephone and cable. To the extent possible, utilities will be located within common easements and trenches, as required by each utility. The development also has an adequate supply of potable water and water for fire-fighting purposes and is served by the Louisville Fire Department's Engine 18, which is conveniently stationed at 2600 S. 4th St., directly across Montana Avenue from the property; and

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WHEREAS, the Commission further finds that the proposal meets the intents of Plan Element 4 – Economic Development because the intent of Plan Element 4 of Plan 2040 is to provide a positive, healthy economic climate for citizens of Louisville Metro in a way that cultivates a vibrant city to attract and retain a highly-skilled workforce. The Property is appropriately located within an existing activity center along S. 4th St. – a minor arterial roadway also known as the University Corridor, which provides a central spine for moving goods and people north and south between Churchill Downs and Downtown Louisville Metro. The Proposal promotes the Goals and Objectives of Plan 2040’s Economic Development Plan Element because it is geographically positioned along a vital urban corridor, this particular section of which is on the precipice of a resurgence. Yet, the corridor needs more positive infusion of interest and reinvestment in the properties fronting the corridor to reach it. Here, the applicant has overhauled the old Whirlaway Tavern building and its neighboring structure to the north to recondition site where public engagement, congregation and commerce can reoccur. The LongTail is will provide employment opportunities for the local community, too. Indeed, the Proposal is a great example of local entrepreneurship where local business folks have reinvested back into the neighborhood structures of the community where they work and live, and now wish to open a small business therein to serve its neighbors.

As mentioned, the applicant took special care in refurbishing the site, including hiring ghost artists to recreate mural paintings on the exterior of the structure, appealing to the nostalgia of the neighborhood’s yesteryear, while also furthering the authenticity of the site and S. 4th St. streetscape. The Proposal invites folks to experience a community-focused space within a rehabilitated structure that previously housed a local business named after a world-famous thoroughbred horse, all within a neighborhood supported by multi-modal transportation and within walking distance to Churchill Downs. Indeed, this is the kind of authenticity Plan 2040 encourages development to achieve. Moreover, the applicant is open to working with groups from the University, such as the School of Urban Design, to use the space in support of academic, artistic, and entrepreneurship events. What follows, if the zoning request is approved, is a neighborhood- serving business that will improve the economic value of the immediate area while contributing to vibrancy and uniqueness of an area that warrants such revival, especially considering the Property’s location between the University and Churchill Downs. Therefore, the Proposal is in agreement with the Economic Development Plan Element of Plan 2040; and

WHEREAS, the Commission further finds that the proposal meets the intents of Plan Element 5 – Livability because The Livability Plan Element of Plan 2040 provides guidance and direction for the provision and maintenance of resources necessary for the health and well-being of citizens, including a focus designing places for health and safety with tree preservation and tree canopy enhancement. Applicant’s Proposal is

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consistent with the applicable Goals, Objectives and Policies of Plan 2040's Livability Plan Element, primarily those set forth under Goal 1 of the Plan Element, because the redevelopment of the Property protects the natural environment and integrates it with the built environment. The applicant looks to open up a neighborhood-serving use on a site whereon the applicant rehabilitated two aged and dilapidated structures that when used together will relate to and function with one another to create a pleasant indoor/outdoor community experience. The Proposal incorporates recently consolidated unused, vacant ground zoned multi-family residential into the site for use as interior green space, which, like the rest of the site, will be well planted with trees, bushes, flowers, shrubberies. This rear area of the site already contains numerous new trees as well as an older, mature tree with a generous canopy that holds the northwestern corner of the site. Not only will this rear area of greenery on the Property present a nice buffer between the active area of the site to the east and the neighboring residential property to the west, but, because it is a fully pervious area, it will also help maintain good stormwater drainage onsite as well as fight off the ever-increasing heat island effect in downtown Louisville.

The Proposal requires no additional impervious surfaces and will utilize existing MSD sewer facilities and infrastructure already in place to further handle stormwater runoff.. Parking is proposed to remain on-street parking only, therefore no storm sewer or GMPs are required. No area associated with the Proposal is located in the regulatory floodplain, the 100-year flood hazard area, nor within the combined sewer overflow floodprone area. Hydric soils are not present on the Property. As a result, the Proposal will accommodate stormwater runoff in a manner complying with MSD standards, which mandate post development rates of runoff may not exceed pre-development conditions. And, as discussed in addressing similar policies set forth under Plan 2040's Community Form Plan Element, the Property does not display thereon any characteristics of carbonate or karst areas being present, nor does the Property contain any protected waterways, riparian zones, nor blue line streams –perennial or intermittent. The Property contains no known archaeological features on it. No severe, steep or unstable slopes exist on site of which would cause impediments to the Proposal. Moreover, because the development of the Property consisted largely of the refurbishing of worn down structures, the built environment already exists onsite along with a well-landscaped site; thus, no site disturbance is expected on the Property. Therefore, implementation of an erosion prevention and sediment control plan is unnecessary. Consequently, applicant's Proposal will not have any negative impacts to mitigate on site.

The proposal conforms to the requirements of APCD, represents an efficient land use that maintains the existing pattern of development within the traditional neighborhood form, and utilizes current traffic patterns. Because the site is positioned in an area well-supported by multi-modal transportation infrastructure, including sidewalks, nearby accessible bike routes and transit, the proposed development accommodates

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alternative modes of travel, which enables and promotes a reduction in vehicular miles traveled, thereby reducing overall air quality impacts; and

WHEREAS, the Commission further finds that the proposal meets the intents of Plan Element 6 – Housing because the Housing Plan Element strives to enhance housing opportunities for all citizens of Louisville Metro by promoting equitable housing means ensuring diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities. The following three Goals are set forth within the Housing Plan Element: 1) Expand and ensure a diverse range of housing choices; 2) Facilitate the development of connected mixed-use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods. As discussed herein, the Proposal advances all three Goals of the Housing Plan Element. Applicant's Proposal incorporates no housing uses in the Property, neither single-family nor multi-family housing, and although the development is within a neighborhood on the verge of reemergence, no displacement of residents from the immediate area will occur. The C-2, commercial zoning designation being sought by the applicant is a flexible zoning designation that does permit housing, however, including at a high density. Therefore, should the Property be re-purposed after its proposed use as a neighborhood beer garden, the C-2 zoning would permit a variant of housing types to be developed, including single-family, multi-family, mixed-use, zero-lot line developments. Multi-family housing or a mixed-use development including a residential component atop commercial or office would be a nice transition from the S. 4th St. corridor to the more residential component of the Traditional Neighborhood Form situated to the west of the Property. Moreover, the Property's inclusion within an existing activity center and its doorstep access to public transit also supports a future housing development on the Property, where residents could avail themselves of multi-modal transportation.

Although the applicant is not pursuing a housing development for the Property, the Proposal will provide for the reintroduction of commercial use on the Property, which will serve a walkable neighborhood and facilitate additional employment opportunities to residents in the area. As such, additional employment positions in the area will assist residents of inter-generational, mixed-income and mixed-use development possibly find employment in an area within reasonable walking and bicycling distances from where they reside. Pedestrian connections already exist within the neighborhood, including along the site's frontages with Montana Avenue and S. 4th St. The Proposal is a major reinvestment for the Property, surrounding neighborhood, and the S. 4th St. corridor and can provide the catalyst for further reinvestment into the S. 4th St. corridor, including residential developments built at appropriate densities and price levels for inclusive, equitable housing in the neighborhood; now therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to

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the Louisville Metro Council that the proposed Change-in-Zoning from R-6, multi-family & C-1, commercial to C-2, commercial be **APPROVED**.

The vote was as follows:

YES: Commissioners Daniels, Carlson, Brown, Seitz, Mims, Peterson, Howard, and Jarboe.

NOT PRESENT: Commissioner Lewis.

Detailed District Development Plan

03:57:43 On a motion by Commissioner Howard, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be conserved as the site does not appear to adversely impact these features. Existing canopy is being preserved in the northwest corner of the property; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided by public sidewalks and transit service in this well-connected, traditional neighborhood; and

WHEREAS, the Commission further finds that the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided by an interior open/gathering/recreation space; and

WHEREAS, the Commission further finds that 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 Commission further finds that the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as structures are being rehabilitated consistently with the historic character of structures on site and nearby area, as well as the form districts pattern of development; and

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WHEREAS, the Commission further finds that the proposed development plan conforms to Plan 2040 as the proposal is located on a transit route near the University of Louisville and population centers to support transit-oriented development and an efficient public transportation system. The proposal also preserves existing structures that exhibit compatibility with the character of the area and maintain features of traditional neighborhoods; now, therefore be it

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. 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 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 or certificate of occupancy. 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. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
3. 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.
4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties

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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.

5. 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.

6. The hours of operation for the outdoor serving areas will end at 12:00 a.m.

The vote was as follows:

YES: Commissioners Daniels, Carlson, Brown, Seitz, Mims, Peterson, Howard, and Jarboe.

NOT PRESENT: Commissioner Lewis.

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PUBLIC HEARING

CASE NO. 6300 Preston Hwy BE Appeal

***NOTE: Commissioner Brown left the meeting at 5:23 p.m. and did not vote on this case.**

Project Name: Binding Element Appeal - 6300 Preston Highway
Jurisdiction: Louisville Metro

Case Manager: Laura Ferguson, Jefferson County Attorney's Office

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:

03:59:48 Laura Ferguson, Assistant County Attorney, presented the case (see recording for detailed presentation.) She stated that the tenant / owner is in violation of binding elements #1,2, and 9c. The tenant is the one who has filed the appeal.

04:08:27 In response to a question from Commissioner Jarboe, Ms. Ferguson said that Code Enforcement officers have bene to the property multiple times and have not seen evidence of installed landscaping. She said the tenant could provide that information.

04:08:56 Commissioner Brown said the letter on file from the property owner is dated August of 2018 and states that the owner plans to terminate the lease. Has that termination taken place? Ms. Ferguson said that, even though the letter was issued, the lease was never terminated. The tenant is the one bringing the appeal today.

04:09:39 Commissioner Peterson asked what responsibility the property owner has in all of this. Ms. Ferguson said the lien and/or fine will go against the property owner, not the tenant. Commissioner Peterson asked if the tenant is acting for the property owner. Ms. Ferguson said all certified-mail notifications have been sent to both the tenant and the property owner. The property owner is not present at today's hearing. Commissioner Seitz questioned whether the Commission is supposed to hear from someone who is not the person who is liable.

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04:11:50 In response to a question from Commissioner Mims, Ms. Ferguson outlined possible legal actions against the property owner (see recording.)

04:14:01 In response to a question from Commissioner Mims, Ms. Ferguson said that, although the property is zoned C-2, most of the C-2 uses have been excluded from the site.

The following spoke in support of the appeal:

Hasan Qaissi (tenant), 6300 Preston Highway, Louisville, KY 40219

Summary of testimony of those in support of the appeal:

04:15:26 Hasan Qaissi, the tenant, said his business is the used car business. He said this is not a salvage yard or a junkyard business, it is wholesale car sales. No parts are bought or sold for vehicles. He said a section of the back is for storage. He said a landscaping company was hired in October of 2019 and did landscaping in the front; added a couple of trees; installed shrubs along the front of the property; and added sod along the front and side of the building. He said any vehicles they carry are running vehicles. He said cars stay on the lot 2-4 days, but then are sold. He said the property along the front is usually well-organized, clean, and maintained. He said he and the property owner are willing to work with the Planning Commission to make sure everything is done to the City's satisfaction.

04:20:26 Commissioner Mims asked Mr Qaissi if there was an approved landscape plan. Mr. Qaissi said that, at first, the "landscaping" was gravel at the back and side of the building. Later, he/the property owner added "some more greenery" when requested to.

04:22:26 In response to a question from Commissioner Jarboe, Mr. Qaissi said the totaled cars were sold to auction companies for sale. However, he said he only buys "whole vehicles, we never buy any damaged vehicles". Those are repossessed vehicles that are totaled.

04:23:46 Commissioner Carlson, said cars showed parked along the frontage on Preston and Forest Drive does not look anything like the parking places that are shown on the site plan. There appears to be more cars than there are parking spaces. Mr. Qaissi said he agreed that his business may carry more inventory than they should for this location. In response to a question from Commissioner Carlson, Mr. Qaissi said most of the cars are Kentucky cars; some come from out of state. He said this is not a storage yard and the cars come in and move out quickly.

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04:27:27 Commissioner Mims said it appears that Mr. Qaissi/the property owner has a 2-3 years history of Code violations. There appears to be no compliance on the site.

04:28:50 Commissioner Jarboe said this appears to be a case which needs to be dealt with by the landlord, not the tenant, and the landlord is not present at today's hearing.

The following spoke in opposition to the appeal:

No one spoke.

04:29:40 Commissioners' deliberation (see recording for detailed discussion.)

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.

04:44:11 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based n evidence and testimony heard today, was adopted:

RESOLVED, The Louisville Metro Planning Commission does hereby **UPHOLD** the binding element citation for property located at 6300 Preston Highway; and does hereby order find that violations of binding elements #1, #2, and #9c did occur on:

July 27, 2018

October 18, 2018

May 1, 2019

October 31, 2019

October 14, 2020

and does hereby order that the violator will pay a fine of \$1,000 for each of the five days for a total of \$5,000 and that the violator will correct the violations and bring the property into full compliance with the Development Plan and all of the binding elements associated with it within 30 days of the signing of the final order; AND does order that the Planning Commission shall receive a report from Code Enforcement at the next Planning Commission public hearing following the expiration of the 30 day period following the signing of the final order.

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The vote was as follows:

YES: Commissioners Daniels, Carlson, Seitz, Mims, Peterson, Howard, and Jarboe.

NOT PRESENT: Commissioners Lewis and Brown.

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BUSINESS SESSION

LDC Reform Update – 10 15 20

Request: LDC Reform Update

Case Manager: Emily Liu, Director, Planning & Design Services

Agency Testimony:

04:49:25 Julia Williams, Planning Supervisor, provided a brief update about the public engagement (see recording for detailed presentation.) This was an informational presentation only. No action or vote was taken.

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.

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ADJOURNMENT

The meeting adjourned at approximately 5:55 p.m.

Chairman

Division Director