

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION MEETING
May 21, 2020**

A meeting of the Louisville Metro Planning Commission was held on Thursday, April 23, 2020 at 1:00 p.m. at 1:00 p.m. via Cisco Webex Video Teleconferencing. On the recommendation of the Louisville Metro Department of Health and Wellness regarding congregate events and social distancing, the special Planning Commission meeting set for today was held online.

Commissioners present:

Vince Jarboe, Chair
Marilyn Lewis, Vice Chair
Robert Peterson
Lula Howard *left approx. 3:30 p.m.*
Rich Carlson
Ruth Daniels
Jeff Brown
Jim Mims
Pat Seitz

Commissioners absent:

None

Staff members present:

Emily Liu, Director, Planning & Design Director
Joe Reverman, Planning & Design Assistant Director
Joe Haberman, Planning & Design Manager
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Travis Fiechter, Legal Counsel
Laura Ferguson, Legal Counsel
Beth Stuber, Transportation Planning
Rachel Dooley, Management Assistant

The following matters were considered:

**MINUTES OF THE MEETING
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LOUISVILLE METRO PLANNING COMMISSION MEETING
May 21, 2020**

APPROVAL OF THE MINUTES

May 7, 2020 Planning Commission Public Hearing Minutes

00:04:39 On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the Planning Commission meeting conducted on May 7, 2020.

The vote was as follows:

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

NO: None

PLANNING COMMISSION MINUTES
May 21, 2020

BUSINESS SESSION

CASE NO. BE Appeal 6300 Preston Hwy

Project Name: **This case will be continued indefinitely** - Binding Element
 Appeal – 6300 Preston Highway
Jurisdiction: Louisville Metro
Case Manager: **Laura Ferguson, Jefferson County Attorney's Office**

Agency Testimony:

00:22:48 Laura Ferguson stated the applicant asked to continue this case to date uncertain. (see recording for detailed presentation.)

The following spoke in support of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

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.

Commissioner Deliberation:

00:22:55 Commissioners' discussion (see recording for detailed presentation.)

00:23:05 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to **date uncertain.**

The vote was as follows:

YES: Commissioners Lewis, Brown, Mims, Howard, Seitz, Carlson, Peterson, Daniels, and Jarboe
NO: None

PLANNING COMMISSION MINUTES
May 21, 2020

BUSINESS SESSION

CASE NO. Be Final Order 8005 Beulah C.

Project Name: Binding Element Final Order – 8006 Beulah Church Road
Jurisdiction: Louisville Metro
Case Manager: Laura Ferguson, Jefferson County Attorney's Office

Agency Testimony:

00:24:27 Laura Ferguson stated this is binding element citation was issued on December 13, 2019 and was not appealed. Ms. Ferguson detailed the Binding Element Final Order, Docket No. 9-81-78, and noted binding element number four is in violation as of today's Planning Commission meeting (see recording for detailed presentation.)

00:26:10 Commissioner Mims and Laura Ferguson discussed the \$1,000 civil fine for this site (see recording for detailed presentation.)

00:27:06 Commissioner Carlson asked if this is a continued order to resolve the issue. Laura Ferguson stated the final order requires the property owner to be in compliance with the development plan and the payment of the code enforcement fine of \$1,000. These two items must be resolved within the 30-day appeal period.

The following spoke in support of this request:

James Peden, Metro Council Member, District 23, 601 W. Jefferson Street, Louisville, KY 40202

Summary of testimony of those in support:

00:28:13 James Peden, Commissioner Jarboe and Laura Ferguson discussed the appeal process and guidelines for code enforcement citations (see recording for detailed presentation.)

00:32:30 Commissioner Mims and James Peden discussed the option of placing a lien foreclosure on the property to help improve the site (see recording for detailed presentation.)

00:34:30 Commissioner Jarboe asked if Planning Commission has the discretion to change the fine. Laura Ferguson referenced to Kentucky Law under KRS 100.409(6) (see recording for detailed presentation.) Ms. Ferguson detailed the process for the lien foreclosure that can take place after the appeal process.

00:38:00 Travis Fiechter, County Attorney, noted options that local and state government could do for this process.

PLANNING COMMISSION MINUTES
May 21, 2020

BUSINESS SESSION

CASE NO. Be Final Order 8005 Beulah C.

00:39:52 James Peden, Travis Fiechter, and Commissioner Mims disused fine citations and enforcement of the KRS laws (see recording for detailed presentation.)

00:41:48 Joe Reverman, Commissioner Mims and Commissioner Carlson discussed the citation process and property maintenance code citations (see recording for detailed presentation.)

The following spoke in support of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

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.

Commissioner Deliberation:

00:46:48 Commissioners' discussion (see recording for detailed presentation.)

00:48:50 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution, based on the testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **UPHOLD?** the binding citation **UPHOLD** the \$1,000 fine **and** issue a remedial correction order: That the binding element violation must be corrected no later than July 1, 2020 **and** request that zoning enforcement staff conduct inspections beginning July 1, 2020 and to visit as necessary until corrections are made.

The vote was as follows:

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

NO: None

PLANNING COMMISSION MINUTES
May 21, 2020

BUSINESS SESSION

CASE NO. Primrose Meadow

Project Name: Primrose Meadow Section 1A Bond Forfeiture
Jurisdiction: Louisville Metro
Case Manager: Joe Reverman, AICP, Planning & Design Assistant Director
Presented By: Laura Ferguson, Jefferson County Attorney's Office

Agency Testimony:

00:50:48 Laura Ferguson detailed the Primrose Meadow Section 1A Bond Forfeiture letter (see staff report and recording for detailed presentation). Ms. Ferguson noted Public works and Transportation are petitioning to Planning Commission to ask the County Attorney's office to contact the two lending institutions or successors involved and obtain the funds for two posted bonds. Public Works and Louisville MSD will use these funds to complete all public improvements that remain in the Section 1A of the Primrose Meadows Subdivision.

00:52:12 Commissioner Carlson asked if the fire departments have been notified and had the opportunity to approve of existing and future fire hydrant installation. Beth Stuber replied the Fire Departments can be contacted when the bonds are acquired.

The following spoke in support of this request:

James Peden, Metro Council Member, District 23, 601 W. Jefferson Street, Louisville, KY 40202

Summary of testimony of those in support:

00:53:51 James Peden and Jeff Brown discussed paving payment for this site (see recording for detailed presentation.)

00:55:42 Joe Reverman detailed the ordinance for subdivision bond price calculations (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

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.

PLANNING COMMISSION MINUTES
May 21, 2020

BUSINESS SESSION

CASE NO. Primrose Meadow

Commissioner Deliberation:

00:57:34 Commissioners' discussion (see recording for detailed presentation.)

00:58:43 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** to declare the default of the bond pursuant to Land Development Code 7.2.85.

The vote was as follows:

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

NO: None

PLANNING COMMISSION MINUTES
May 21, 2020

BUSINESS SESSION

CASE NO. PC Bylaws and Policies Change

Project Name: Planning Commission Bylaws and Policies – Neighborhood Meeting and Virtual Meetings
Case Manager: **Brian Davis, AICP, Planning & Design Manager**

Agency Testimony:

01:00:13 Brian Davis presented the Proposed Planning Commission By-laws Amendments for neighborhood meetings drafted from June 13, 2020. Mr. Davis detailed sections 3.05.02 and 3.05.05 (see staff report and recording for detailed presentation.)

01:07:07 Commissioner Brown asked how the sign in sheets will work for virtual meetings. Brian Davis replied anyone who wishes to speak will contact the applicant/conductor of the meeting. Staff can be present to take down the names during the meeting.

01:08:16 Commissioner Seitz, Brian Davis, and Travis Fiechter discussed the use of virtual meetings after current restrictions of public meetings have been lifted (see recording for detailed presentation.)

01:11:00 Commissioner Carlson asked if virtual meetings can be recorded for public review and who would host these recordings. Brian Davis replied virtual meeting recordings must be submitted with the formal application. Commissioner Carlson and Brian Davis discussed in person meetings, options for virtual meetings, and equipment required for virtual meetings (see recording for detailed presentation.)

The following spoke in support of this request:

James Peden, Metro Council Member, District 23, 601 W. Jefferson Street, Louisville, KY 40202

Summary of testimony of those in support:

01:16:44 James Peden asked if there will be criteria for presentations for virtual meetings and adjustments for in person meetings. Vince Jarboe replied there are requirements in place for in person meetings, night hearings, that will still be in place after restrictions are lifted.

01:19:48 Steve Porter suggested the requirement for after meeting flyer to inform citizens of what to expect after a virtual meeting. Brian Davis replied the flyer has not been drafted for review yet.

PLANNING COMMISSION MINUTES
May 21, 2020

BUSINESS SESSION

CASE NO. PC Bylaws and Policies Change

01:22:41 Commissioner Carlson asked if there can be an evaluation for this policy change. Travis Fiechter replied if there are issues or improvements to be made the policy language can evolved to meet future needs.

01:24:47 Paul Whitty stated there will be ongoing monitoring by the Policy and Procedures Committee who can address improvements as needed.

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

01:25:20 Commissioners' discussion (see recording for detailed presentation.
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.

01:28:04 On a motion by Commissioner Daniels, seconded by Commissioner Carlson, the following resolution, based on the testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the PC Bylaws and Policies Change.

The vote was as follows:

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

No: None

PLANNING COMMISSION MINUTES
May 21, 2020

BUSINESS SESSION

CASE NO. 19CELL1001

This case was heard first and the minutes for this case were May 21, 2020 Planning Commission Meeting.

Request: Settlement proposal concerning an appeal from a denied application for a cell tower consisting of a 105 foot tall monopole with a 5 foot lightning arrestor (total height of 110 feet) within a 2,500 square foot compound area

Project Name: Bardstown Road

Location: 3788 Bardstown Road

Owner: The First Alliance Church of the Christian and Missionary Alliance, Inc.

Applicant: Vertical Bridge Development, LLC, T-Mobile

Representative: Briggs Law Office, PSC, Todd R. Briggs

Jurisdiction: Louisville Metro

Council District: 10 – Pat Mulvihill

Case Manager: Steve Hendrix, Planning Coordinator and Travis Fiechter, Jefferson County Attorney’s Office

Notice of this public hearing 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:

Travis Fiechter presented the case and showed a Power Point presentation (See staff report and recording for detailed presentation.)

The following spoke in support of this request:

No one spoke.

Summary of testimony of those in support:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

PLANNING COMMISSION MINUTES
May 21, 2020

BUSINESS SESSION

CASE NO. 19CELL1001

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.

Settlement Agreement and Signature Authority

On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today and at the May 21, 2020 Planning Commission hearing, was adopted:

WHEREAS, the Commission is a defendant to a pending appeal in Federal District Court concerning Case No. 19CELL1001; and

WHEREAS, the Commission has received advice from the Jefferson County Attorney's Office concerning the pending appeal; and

WHEREAS, the Commission, with the assistance of the Jefferson County Attorney's Office, has participated in settlement negotiations with the Plaintiffs in the appeal, the culmination of which is reflected in the Settlement Agreement presented at the May 21, 2020 Planning Commission hearing; and

WHEREAS, the Commission finds the Settlement Agreement to be an adequate resolution of the pending appeal;

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested **SETTLEMENT AGREEMENT** and grant **SIGNATURE AUTHORITY** to the **CHAIRMAN** to execute said **SETTLEMENT AGREEMENT**:

The vote was as follows:

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

ABSTAIN: Commissioner Seitz

Cell Tower Plan

PLANNING COMMISSION MINUTES
May 21, 2020

BUSINESS SESSION

CASE NO. 19CELL1001

On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today and at the May 21, 2020 Planning Commission hearing, was adopted:

WHEREAS, State law precludes the Planning Commission from denying a cellular tower application based upon concerns about electromagnetic field issues so long as the provider adheres to the standards adopted by the FCC; and

WHEREAS, the Federal Communications Act of 1996 prohibits a siting decision for a cellular tower based upon the existence of other cellular service in the area; and

WHEREAS, the proposal meets the standards of the Land Development Code “Uniform Application”; and

WHEREAS, the Commission finds the design of the facility meets Community Facilities Goal 3 of Plan 2040 in that the facility is resilient and compatible with the surrounding neighborhood; and

WHEREAS, the Commission further finds that the overall design minimizes the impact on character of the general area; and

WHEREAS, the Commission further finds that the design minimizes the likely effects of the installation on nearby land uses and values; and

WHEREAS, the Commission further finds the design addresses compatibility issues such as co-location, mass, and scale; and

WHEREAS, the Commission further finds the design does not impact environmentally sensitive lands, historic landmarks, and scenic byways.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested **CELLULAR TOWER PLAN**:

The vote was as follows:

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

ABSTAIN: Commissioner Seitz

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0032

Request: **This case will be continued to the June 18, 2020 Planning Commission meeting** - Change in zoning from R-5 to R-5B with detailed district development plan

Project Name: Roosey Duplex
Location: 1316 Bellwood Avenue
Owner: Roosey Holdings, LLC
Applicant: Roosey Holdings, LLC
Representative: Roosey Holdings, LLC
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:

No one spoke.

The following spoke in support of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

Commissioners' deliberation (see recording for detailed presentation.)

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.

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0032

01:32:51 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the Planning Commission Meeting on **June 18, 2020.**

The vote was as follows:

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

No: None

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0044

Request: **This case will be continued to the June 18, 2020 Planning Commission meeting** - Change in zoning from R-4 to PEC, with Detailed District Development Plan and Binding Elements, and associated landscape Waiver – Requesting Continuance to 03/19/2020

Project Name: Powerscreen Crushing and Screening
Location: 13207 Rehl Road
Owner: Thomas & Rebecca Garrity
Applicant: Powerscreen Crushing and Screening
Representative: Dinsmore & Shohl LLC
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.)

Agency Testimony:

No one spoke.

The following spoke in support of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

Commissioners' deliberation (see recording for detailed presentation.)

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.

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0044

01:32:51 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the Planning Commission Meeting on **June 18, 2020.**

The vote was as follows:

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

No: None

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0062

Request: **This case will be continued to the June 18, 2020 Planning Commission meeting** - Change in zoning form C-2 to EZ-1 with detailed district development plan

Project Name: South Park Road Warehouse
Location: 3105R & 3308 South Park Road
Owner: Utica Properties, LLC
Applicant: Utica Properties, LLC
Representative: Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox
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:

No one spoke.

The following spoke in support of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

Commissioners' deliberation (see recording for detailed presentation.)

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.

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0062

01:32:51 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the Planning Commission Meeting on **June 18, 2020.**

The vote was as follows:

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

No: None

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-072

Request: **This case will be continued to the June 18, 2020 Planning Commission meeting** - Change in zoning from R-6 to C-1, with Detailed District Development Plan and Binding Elements, and associated side yard setback Variance – Requesting Continuance to 04/02/2020

Project Name: 18th Street Incubator
Location: 516 – 520 S 18th Street
Owner: OW Broadway Holdings LLC, Community Ventures Corporation, Louisville & Jefferson County Landbank

Applicant: Louisville Metro Government
Representative: Louisville Metro Government
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
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:

No one spoke.

The following spoke in support of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

Commissioners' deliberation (see recording for detailed presentation.)

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.

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-072

01:32:51 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the Planning Commission Meeting on **June 18, 2020.**

The vote was as follows:

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

No: None

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0087

Request: **This case will be continued to the June 18, 2020 Planning Commission meeting** - Change in zoning from R-4 to R-6, with Detailed District Development Plan/Major Preliminary Subdivision and Binding Elements

Project Name: Brentlinger Townhomes
Location: 9922 – 10000 Brentlinger Lane
Owner: Chris & Angela Wilkerson, Jane Franklin, Shelly Stoyell
Applicant: D&K Holdings LLC
Representative: Bardenwerper, Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
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:

No one spoke.

The following spoke in support of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

Commissioners' deliberation (see recording for detailed presentation.)

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.

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0087

01:32:51 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the Planning Commission Meeting on **June 18, 2020.**

The vote was as follows:

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

No: None

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0094

Request: **This case will be continued to the June 18, 2020 Planning Commission meeting** - Change in zoning from R-5 to C-1, with Detailed District Development Plan and Binding Elements, and associated landscape Waiver

Project Name: Westport Road Retail

Location: 917 & 919 Fountain Avenue, 4700 Westport Road

Owner: Estate of Evelyn Kaelin

Applicant: 4700 Westport LLC

Representative: Dinsmore & Shohl LLC

Jurisdiction: Louisville Metro

Council District: 7 – Paula McCraney

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:

No one spoke.

The following spoke in support of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

Commissioners' deliberation (see recording for detailed presentation.)

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.

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0094

01:32:51 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the Planning Commission Meeting on **June 18, 2020.**

The vote was as follows:

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

No: None

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 20-DDP-0013

Request: Detailed District Development Plan with a request to amend EZ-1 Setback requirements, and a waiver
Project Name: A&S Road Services
Location: 10605 Freeport DR
Owner/Applicant: A&S Road Services
Representative: Mindel, Scott and Associates
Jurisdiction: Louisville Metro
Council District: 12– Rick Blackwell
Case Manager: Jay Lockett, AICP, Planner I
Presented by: Brian Davis, AICP, Planning & Design 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:

01:34:10 Brian Davis, presenting on behalf of Jay Lockett, showed a Power Point slide show (see staff report and recording for detailed presentation.) Mr. Davis detailed the waiver, detailed district development plan, and the request to amend the 200-foot setback adjacent to residential properties not zone EZ-1.

01:36:14 Commissioner Mims asked if this site is located in Riverport. Brian Davis replied this is part of Riverport Phase 3.

The following spoke in support of this request:

Kathy Linares, Mindel Scott & Assoc., 5115 Jefferson Blvd Ste. 101, 40291

Summary of testimony of those in support:

01:36:44 Kathy Linares presented a Power Point slide show (see recording for detailed presentation.) Ms. Linares detailed the amendment for the EZ-1 setback adjacent to residential properties. She noted there will be a 50 foot landscape buffer to enhance the landscape along Black Pond Creek.

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 20-DDP-0013

01:46:21 Commissioner Mims asked if Riverport seen this plan and approve of the setback. Kathy Linares stated they are in contact with Riverport and was provided with their restrictions and approval.

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

01:47:49 Commissioners' deliberation (see recording for detailed presentation.)

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.

Waiver

01:51:30 On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution, based on the Standard of Review, Applicant's Justification, and Staff Analysis, and testimony heard today was adopted:

WHEREAS, the Louisville Metro Planning Commission finds the waiver will not adversely affect adjacent property owners, as industrial uses are unlikely to have a need for shared circulation, and often have exceptional security needs that preclude connection between sites; and

WHEREAS, the Commission further finds that the waiver will not violate the guidelines of the Comprehensive Plan. The nature of the majority of development in this area is industrial and many sites are secured with fences. It is unlikely that anyone will have business at multiple abutting sites and would need to take advantage of connections between sites; and

WHEREAS, the Commission further finds that the extent of the waiver is the minimum necessary to afford relief to the applicant; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the proposed use has exceptional security needs that necessitate a fenced perimeter and it is unlikely that anyone will have business at multiple sites; now therefore be it,

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PUBLIC HEARING

CASE NO. 20-DDP-0013

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver of 5.9.2.A.1.b.ii to not provide vehicular and pedestrian connection between adjacent non-residential uses.

The vote was as follows:

YES: Commissioners Daniels, Peterson, Carlson, Seitz, Howard, Mims, Brown, Lewis, and Jarboe
No: None

Detailed District Development Plan

01:52:53 On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution, based on the Standard of Review, Applicant's Justification, and Staff Analysis, and testimony heard today was adopted:

WHEREAS, the Louisville Metro Planning Commission finds the Board of Zoning Adjustment will consider a request to encroach into the streamside buffer for Black Pool Creek in the rear of the site. All required planting will be provided within the buffer area. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

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

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PUBLIC HEARING

CASE NO. 20-DDP-0013

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

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development plan with binding elements and an additional binding element number six:

6. Landscaping shall be similar to the exhibit provided by the applicant at the May 21, 2020 Planning Commission meeting.

All General Plan Binding Elements are applicable to the subject site, in addition to the following:

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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The appropriate variance shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.

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CASE NO. 20-DDP-0013

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. **Landscaping shall be similar to the exhibit provided by the applicant at the May 21, 2020 Planning Commission meeting.**

The vote was as follows:

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

No: None

Request to amend 200-foot setback adjacent to residential properties not zoned EZ-1

01:54:08 On a motion by Commissioner Carlson, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review, Applicant's Justification, and Staff Analysis, and testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the request to amend 200-foot setback adjacent to residential properties not zoned EZ-1

The vote was as follows:

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

No: None

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 20-EXTENSION-0004

Request: Extension of Expiration
Project Name: Extension of Expiration
Location: 1001 Breckenridge Lane
Owner/Applicant: Andrew M. McCarthy, Norton Properties Inc. / Glenn Price,
Frost Brown Todd LLC
Representative: Glenn Price, Frost Brown Todd LLC
Jurisdiction: Louisville Metro
Council District: 26 – Brent Ackerson
Case Manager: Lacey Gabbard, AICP, Planner I
Presented by: Brian Davis, AICP, Planning & Design 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:

01:55:25 Brian Davis presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Mr. Davis noted the conditional use permit will be heard at the Board of Zoning Adjustment meeting.

01:57:00 Commissioner Carlson asked if the Planning Commission is approving the extension or will they be recommending this extension to St. Matthews. Brian Davis replied the extension is to be approved by the Planning Commission.

01:57:24 Commissioner Mims asked if the City of St. Matthews have approved of this extension. Brian Davis replied they do not have any comments in the file from St. Matthews.

The following spoke in support of this request:

Tanner Nichols, 400 West Market, Louisville, Kentucky

Summary of testimony of those in support:

01:57:49 Tanner Nichols, Frost Brown Todd LLC, stated he is present for questions.

and there is a planned medical facility for this site.

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PUBLIC HEARING

CASE NO. 20-EXTENSION-0004

01:58:57 Commissioner Jarboe asked if tenants have been notified of this extension. Tanner Nichols replied he has not reviewed their leases but there are provisions to allow them to receive a notice before any changes are made.

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

01:59:53 Commissioners' deliberation (see recording for detailed presentation.)

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.

02:01:30 On a motion by Commissioner Carlson, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the two year extension of the expiration date for 15DEVPLAN1202.

The vote was as follows:

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

No: None

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PUBLIC HEARING

CASE NO. 20-DDP-0009

Request: Revised District Development Plan with Binding Element
Amendments and an Outdoor Amenity Area
Project Name: Quarry Warehouse
Location: 14105 Aiken Road
Owner/Applicant: Frank Otte – Otte Family LTD Partnership
Representative: Derek Triplett, Land Design & Development
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
Case Manager: Lacey Gabbard, AICP, Planner I
Presented By: Brian Davis, AICP, Planning & Design 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:

02:05:00 Brian Davis, presenting on behalf of Lacey Gabbard, showed a Power Point slide show (see staff report and recording for detailed presentation.) Mr. Davis detailed Case No. 17DEVPLAN1107 development plan and the new proposed plan with MSD changes.

02:08:04 Commissioner Brown asked there have been discussions regarding signal contributions to the Old Henry Road and Terra Crossing Boulevard intersection. Brian Davis replied the applicant will be able to answer this question.

02:09:08 Commissioner Mims has the applicant provided reasons why the compressive drainage study was not conducted. Brian Davis replied the applicant will be able to answer this question.

The following spoke in support of this request:

Derek Triplett, LD&D, 503 Washburn Ave., Ste. 101, Louisville, Kentucky, 40222

Summary of testimony of those in support:

02:10:19 Derek Triplett, presenting on behalf of the developer, presented a Power Point slide show (see recording for detailed presentation.) Mr. Triplet noted the adjacent rock quarry drainage plans with MSD for a detention basin. In response to a question

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CASE NO. 20-DDP-0009

from Commissioner Brown, Derek Triplett stated they have not received any contact regarding the intersection light contribution. They will be in contact with Public Works to resolve this.

02:15:20 Commissioner Mims and Derek Triplett discussed reclamation permits and the hydraulic studies for the adjacent quarry site (see recording for detailed presentation.)

02:18:49 Tony Kelly, MSD, stated there will be work beyond the existing development plan to integrate the master drainage study and future drainage construction on site.

02:20:00 Commissioner Brown, Commissioner Jarboe, Beth Stuber, Lacey Gabbard, Joe Reverman, and Derek Triplett discussed the signal contribution for the intersection of Old Henry Road and Terra Crossing Boulevard (see recording for detailed presentation.) They agreed to the binding element that the developer provide up to \$40,000 in contributions for the intersection light.

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

02:29:59 Commissioners' deliberation (see recording for detailed presentation.)

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.

Detailed District Development Plan

02:32:41 On a motion by Commissioner Brown, seconded by Commissioner Lewis, the following resolution, based on the Standard of Review, Applicant's Justification, and Staff Analysis, and testimony heard today was adopted:

WHEREAS, the Louisville Metro Planning Commission finds there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

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WHEREAS, the Commission further finds that the 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 there are no open space requirements pertinent to the current proposal. Future multifamily development proposed on the subject site will be required to meet Land Development Code requirements; and

WHEREAS, the Commission further finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

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

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of Plan 2040 and to requirements of the Land Development Code; now therefore be it,

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Revised District Development plan with binding elements amendments and **APPROVE** the out door Amenity area along with the addition of binding element number eight:

8. A contribution up to \$40,000 for the signal installation at the intersection of Terra Crossing Boulevard and Old Henry Road shall be paid by the developer within a 30-day request from Public Works assets or the Kentucky Transportation Department.

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

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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. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

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6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements
8. **A contribution up to \$40,000 for the signal installation at the intersection of Terra Crossing Boulevard and Old Henry Road shall be paid by the developer within a 30-day request from Public Works assets or the Kentucky Transportation Department.**

The vote was as follows:

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

No: None

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PUBLIC HEARING

CASE NO. 20-DDP-0010

Request: District Development Plan
Project Name: Houchens Industries
Location: 7941 Smyrna Parkway
Owner/Applicant: Tim Rich, Jr. Food Stores, Inc.
Representative: Tim Rich, Jr. Food Stores, Inc.
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
Case Manager: Lacey Gabbard, AICP, Planner I
Presented by: Brian Davis, AICP, Planning & Design 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:

02:34:18 Brian Davis, presenting on behalf of Lacey Gabbard, showed a Power Point slide show (see staff report and recording for detailed presentation.) Mr. Davis noted the entrances and the similar plan from 2017.

02:35:40 Commissioner Mims asked if this store will have a drive through similar to the stores other locations. Brian Davis replied there is a drive through and noted the location from the proposed plan (see recording for detailed presentation.)

02:26:13 Commissioner Daniels asked if this restaurant will have a drive through. Brian Davis replied this building will be occupied by the grocery store IGA and the applicant will be able to answer questions regarding the drive through (see recording for detailed presentation.)

The following spoke in support of this request:

Brian Shirley, Arnold Consulting Engineering Services, PO Box 1338, Bowling Green, KY 42101

James Peden, Metro Council Member, District 23, 601 W. Jefferson Street, Louisville, KY 40202

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PUBLIC HEARING

CASE NO. 20-DDP-0010

Danna Monroe, Houchens Food Group, 200 Sycamore Street, Suite 179,
Elizabethtown, KY 42701

Summary of testimony of those in support:

02:36:56 Brian Shirley, Arnold Consulting Engineering Services, noted there will be a fast food restaurant within the same building as the grocery store, the fast food portion will have the drive through (see recording for detailed presentation.)

02:28:35 James Peden stated he is in support for this request. Mr. Peden noted the property purchase for drainage and construction start date (see recording for detailed presentation.)

02:39:50 Danna Monroe stated they are focusing on the intersection light portion and they will break ground this summer.

02:40:27 James Peden and Brian Shirley discussed the previous development plan and the proposed development plan (see recording for detailed presentation.)

02:41:31 Commissioner Carlson asked if there will be the sidewalk extension into the site for pedestrians. Brian Shirley detailed the sidewalk was extended in the develop plan and the decision of reducing conflict points into the site (see recording for detailed presentation.) Commissioner Brown stated he approves of the proposed development plan.

02:45:37 James Peden and Brian Shirley discussed the northside sidewalk extension (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

02:47:23 Commissioners' deliberation (see recording for detailed presentation.)

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.

Detailed District Development Plan

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PUBLIC HEARING

CASE NO. 20-DDP-0010

02:48:58 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review, Staff Analysis, and testimony heard today was adopted:

WHEREAS, the Louisville Metro Planning Commission finds there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, the Commission further finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, the Commission further finds there are no open space requirements pertinent to the current proposal. Future multifamily development proposed on the subject site will be required to meet Land Development Code requirements; and

WHEREAS, the Commission further finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

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

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

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the District Development plan with 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.

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2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3 feet of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening, buffering and landscaping as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 21, 2020 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the

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CASE NO. 20-DDP-0010

site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

7. Applicant agrees to coordinate a pedestrian connection to the residential development to the east at such time the property is developed.
8. Applicant agrees to provide a connection to the firehouse property to the south upon redevelopment into a non-residential use.
9. Funding for the design and installation of a traffic signal and right turn lane (eastbound) shall be provided by the Owner/Developer at the Applegate Lane and Smyrna Parkway intersection. Traffic Signal installation shall be performed by Louisville Metro. Construction plans for the traffic signal and right turn lane, a bond and encroachment permit from Transportation Planning will be required prior to construction approval for this site. The traffic signal installation and right turn lane construction shall be completed before the issuance of the certificate of occupancy. Additional intersection improvements may be required after construction plan review by Transportation Planning, Traffic Engineering and Metro Public Works.

The vote was as follows:

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

No: None

PLANNING COMMISSION MINUTES
May 21, 2020

PUBLIC HEARING

CASE NO. 19-DDP-0069

Request: District Development Plan
Project Name: Lots 2 & 3 Glenmary Village
Location: 9400 Clubview Drive
Owner/Applicant: Limestone Bank, Inc.
Representative: Kelli Jones - Sabak, Wilson & Lingo, Inc.
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Lacey Gabbard, AICP, Planner I
Presented by: Brian Davis, AICP, Planning & Design 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:

02:50:22 Brian Davis, presenting on behalf of Lacey Gabbard, showed a Power Point slide show (see staff report and recording for detailed presentation.) Mr. Davis noted the amendments from the proposed binding elements, number 24, regarding affordable housing.

The following spoke in support of this request:

Nick Pregliasco, 1000 North Hurstbourne Parkway, Louisville, Kentucky, 40223

Summary of testimony of those in support:

02:53:10 Nick Pregliasco, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Pregliasco noted the compromise for the affordable housing binding element amendment with the Department of Housing. Nick detailed the history of the site, previous development plans, and the proposed plans for Lot 2 and 3.

03:02:56 Commissioner Seitz inquired for the final price for the affordable housing. Nick Pregliasco replied the final number is based on 80% Jefferson County median income calculation. Commissioner Seitz and Nick Pregliasco discussed the price of the town homes and the affordable units (see recording for detailed presentation.)'

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CASE NO. 19-DDP-0069

03:03:34 Commissioner Carlson asked which phase of development will include construction of the affordable housing units. Nick Pregliasco referenced to Binding Element number 24 (see recording for detailed presentation.) Mr. Pregliasco noted there will be reports made to Planning and Design confirming progress and completion of the affordable housing units.

03:07:08 Commissioner Mims proposed that every tenth unit built be affordable housing to ensure the units are built. Travis Fiechter and Brian Davis discussed how future reports for this site will be processed by Planning and Design (see recording for detailed presentation.)

03:10:09 Commissioner Mims and Nick Pregliasco discussed the buying and selling process for the affordable housing units (see recording for detailed presentation.) They

03:16:21 Travis Fiechter listed examples of developments that have a comprehensive affordability housing regime and the solutions used to for those sites (see recording for detailed presentation.)

03:18:13 Commissioner Jarboe and Commissioner Seitz discussed the binding element regarding affordable housing (see recording for detailed presentation.)

03:19:28 James Peden, Commissioner Jarboe, and Nick Pregliasco discussed the specifications for affordable housing in similar developments (see recording for detailed presentation.)

03:21:19 Commissioner Carlson, Commissioner Jarboe, and Travis Fiechter discussed binding element number 16 and 7.e (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

03:23:02 Commissioners' deliberation. Commissioners and Nick Pregliasco discussed equitable distribution of affordable housing in Lots 2 and 3, building materials, and binding element 10 (see recording for detailed presentation.) They concluded 3 out of every 30 units built will be affordable housing. This will allow the developers flexibility to evenly distribute the affordable housing units during construction.

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PUBLIC HEARING

CASE NO. 19-DDP-0069

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.

03:37:23 On a motion by Commissioner Mims, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review, Staff Analysis, and testimony heard today was adopted:

WHEREAS, the Louisville Metro Planning Commission finds there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, the Commission further finds that the 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. Kentucky Transportation Cabinet approval is required prior to construction plan approval; and

WHEREAS, the Commission further finds that there are no open space requirements pertinent to the current proposal. Per LDC Table 5.4.1, no open space is required because there are less than five (5) dwelling units per acre. Any future multi-family development proposed on the subject site will be required to meet Land Development Code requirements; 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 and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

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

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Development Plan and Binding Element Amendments:

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1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval. Any changes/additions/alterations not so referred shall not be valid.

- 1a. The unshaded area on the approved district development plan is considered to be a detailed district development plan. The shaded area on the approved district development plan is considered to be a general district development plan. Development in both the shaded and unshaded areas of the accompanying district development plan shall be in accordance with the existing Conditional Use Permit (C.U.P.) operation as approved by the Board of Zoning Adjustment on April 6, 1998 in Docket No. B-26-98 (which exists within the shaded general plan area) and further in accordance with the approved general or detailed district development plan, as the case may be, and agreed upon binding elements, unless amended pursuant to the Zoning District Regulations. No further development shall occur without approval from the Planning Commission, except for land uses permitted in the established zoning district and in C.U.P. Docket No. B-26-98 pursuant to Planning Commission legal counsel opinion on file in this case. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid. Prior to development of any portion of the property that is shaded on the approved district development plan and, therefore, that is considered a general district development plan, developer shall obtain approval of a detailed district development plan. Such plan(s) shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
 - a. screening, buffering, landscaping, tree preservation
 - b. density, size and height of buildings
 - c. points of access and site layout with respect to on-site circulation
 - d. land uses
 - e. signage
 - f. loading berths
 - g. parking
 - h. site design
 - i. outdoor lighting
 - j. dumpsters

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2. The density of the development shall not exceed 200 dwelling units until a second means of permanent access is available (either by access easement with proper zoning or by dedicated public right-of-way). After the second access point is complete, the development shall not exceed a total of 744 dwelling units.
3. A signature entrance may be provided at the main entrance(s) in accordance with Section 9.1.A of the Louisville and Jefferson County Development Code. Any freestanding signs in accordance with the parkway designation standards and Chapter 9 of the Louisville and Jefferson County Development Code may be approved by Planning Commission staff.
4. No outdoor advertising signs, pennants, balloons, or banners shall be permitted on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
6. 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.
7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10, the parkway buffer designation requirements and as recommended by the Floyds Fork Study (1 tree per 25 feet to screen the structures from Floyds Fork) prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal

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- of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
- d. All appropriate variances shall be obtained from the Board of Zoning Adjustments prior to the transmittal of the approved development plan to the appropriate building department.
 - e. **Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission. This applies only to Lots 2 and 3, and 19-DDP-0069.**
8. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
9. 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.
10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
11. 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 the 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.
12. A soil erosion and sedimentation control plan meeting the design requirements of the recently adopted Erosion and Sediment Control Ordinance shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the

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Planning Commission prior to commencement of any clearing, grading, or construction activities.

13. The site shall be developed in accordance with the woodland protection areas delineated on the site plan and related notes. Any modification of the woodland protection area requires: (1) notification of adjoining property owners; (2) notification of those persons who spoke at the public hearing; and, (3) LD&T action.
14. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of such restrictions shall be approved by Planning Commission counsel. All plans setting out woodland protection areas must contain the following notes/conditions:
 - a. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall be permanently preserved (all existing vegetation except for clearing for the trails, picnic areas and water quality basin construction). All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat.
 - b. Dimension lines have been used on this plan to establish the general location of WPAs and represent that minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
 - c. Tree protection fencing shall be erected around all WPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed.
 - d. No parking, material storage or construction activities are permitted within the WPAs.
15. The dumpster shall not be emptied between the hours of 11 p.m. and 7 a.m.

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16. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 7, 2000 and December 21, 2000 Planning Commission meetings. **This does not apply to Lots 2 and 3.**
17. Engineers will be onsite during construction to monitor sinkhole remediation if any sinkholes are discovered, and to ensure stability of residential foundations in areas potentially affected by any sinkholes.
18. All road improvements in Bardstown Road shall be constructed as shown on the approved district development plan prior to requesting a certificate of occupancy.
19. Within 12 months after obtaining a certificate of occupancy, the applicant shall convey by conservation easement, the open space area within the Floyds Fork DRO to a government or not-forprofit entity to be selected and agreed upon by the owner/developer and staff of the Louisville and Jefferson County Planning Commission, except for the area delineated on the approved district development plan (subject to Future Fund approval).
20. Prior to approval of the construction plans, the developer shall finalize the design of the Water Quality Structures for stormwater directed towards the Floyds Fork/Big Run Watersheds. The water quality structures design shall received approval by MSD and DPDS. The design of the water quality structures shall address, at a minimum, the following issues:
 - a. groundwater recharge of sufficient quality and quantity to compensate for the filling of sinkholes on-site.
 - b. long term erosion control measures to protect slopes in the areas of the outflow of stormwater runoff from the water quality structures and stormwater outlets.
21. The conditional use permit for the mulching operation (Docket No. B-26-98) shall be abandoned at the time the mulching operation is relocated or closed.
22. The Articles of Incorporation of the Condominium Association shall include a measure for the maintenance of the water quality basin and groundwater recharge facilities approved by MSD and DPDS. The frequency of maintenance and types of maintenance activities shall be determined by MSD. The provisions within the Articles of Incorporation shall be reviewed and approved by Planning Commission legal counsel prior to requesting a certificate of occupancy.

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23. Areas of this site currently drain to sinkholes. A detailed sinkhole study has been completed by LAW/GIBB. This report has been submitted to MSD and the Louisville and Jefferson County Planning Commission. This report prioritizes the existing sinkholes, and this report was used for determining the sinkholes to leave open and those that could be closed. Areas of the development plan have been revised to conform to this study. Storm water recharge addressing both direct runoff which previously entered the sinkholes and groundwater infiltration replacement will be incorporated into the development plan as was discussed with MSD and DPDS staff at a meeting on December 12, 2000. All construction details associated with the recharge of these sinkholes and groundwater infiltration replacement shall be submitted to MSD and DPDS staff for approval before the approval of the detailed site construction drawings.
24. The majority of the developed site, greater than 95%, will be directed to the proposed water quality basin. The basin will be sized for the first one-half inch runoff from the developed site. A diversion basin will be constructed at the entrance of the basin to direct additional runoff away from the basin once the first one-half inch of the runoff has been stored in the basin. This additional runoff will be directed to Big Run Creek. The detained water in the basin will be released out of the basin into the existing channel where the basin will be constructed. The basin dam will be constructed out of an earthen fill. All construction details associated with the basin and outfalls will be presented to MSD and DPDS for approval before the approval of the detailed site construction drawings as was discussed at a meeting on December 12, 2000 with MSD and DPDS staff.
25. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Condominium Association.
 - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Condominium Association in a form approved by Counsel for the Planning Commission.
26. The developer, its successors and assigns, shall assure the inclusion in these two sections of the overall development of a minimum of ten percent (10%) percent of the total "for sale" product in these two sections (currently being 9 condominium units) as affordable housing, meaning condominium unit sale prices shall be calculated using 80% of the current Jefferson County area median income (AMI) limit, as established

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by the U.S. Department of Labor (such price being determined as equaling what can be purchased by a family whose annual income is 80% of the median annual income for a family of four.

The developer/owner shall be responsible for submitting an annual report to Planning & Design Services staff at 12-month intervals from the date of the first certificate of occupancy (for a residential unit), until all affordable owner occupied units have been issued building permits. The annual report shall identify the name of the development, the unit numbers, the unit addresses, and the sale price of the designated affordable units.

The vote was as follows:

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

No: None

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CASE NO. 19-MSUB-0018

Request: Major Subdivision Plan with a Waiver
Project Name: Watterson Trail Subdivision
Location: 6106 South Watterson Trail
Owner/Applicant: Clarence & Lucille Schmitt
Representative: Curtis Mucci, Mindel Scott
Jurisdiction: Louisville Metro
Council District: 23, 24 – James Peden, Madonna Flood
Case Manager: Lacey Gabbard, AICP, Planner I
Presented by: Brian Davis, AICP, Planning & Design 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:

03:41:01 Brian Davis, presenting on behalf of Lacey Gabbard, showed a Power Point slide show (see staff report and recording for detailed presentation.) Mr. Davis noted South Watterson Trail stubs that would connect to this site.

03:43:26 Commissioner Brown and Brian Davis discussed the Land Development Transfer and the waiver for R-4 lot size (see recording for detailed presentation.)

03:45:50 Commissioner Carlson and Brian Davis discussed widening the entrance on South Watterson Trail (see recording for detailed presentation.)

The following spoke in support of this request:

Curtis Mucci, 5151 Jefferson Boulevard, Louisville, Kentucky, 40219

Summary of testimony of those in support:

03:46:37 Curtis Mucci, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Mucci addressed the two issues from the previous meeting regarding the Sidewalks along Hurstbourne and Road Widening along South Watterson Trail.

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03:48:14 Commissioner Brown and Curtis Mucci discussed the addition new pavement on South Watterson Trail (see recording for detailed presentation.)

03:49:43 Commissioner Mims and Commissioner brown discussed the 10 foot turn lane (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the request:

James Peden, Metro Council Member, District 23, 601 W. Jefferson Street, Louisville, KY 40202

John Torsky, 601 W. Jefferson Street, Louisville, KY 40202

Summary of testimony of those neither for nor against:

03:50:57 James Peden stated concerns with the narrow lots because of the steep slopes, were the steep slopes are depicted on the plan, and drainage (see recording for detailed presentation.)

03:52:08 Curtis Mucci and James Peden discussed the development plan lots that are buildable (see recording for detailed presentation.)

03:44:49 Joe Reverman read the development potential transfer 4.77 (see recording for detailed presentation.)

04:02:32 James Peden expressed concerns with the widening of the entrance point and the connection to Villa Spring Drive. Reverman and James Peden discussed if Villa Spring Drive is a private road or public road (see recording for detailed presentation.)

04:07:27 John Torsky stated LOJIC website currently shows connections as private roads. Commissioner Brown replied the process for Public Works and why LOJIC displays those roads as non-Metro (see recording for detailed presentation.)

04:10:46 Commissioners, Joe Reverman, James Peden, Travis Fiechter, and Brian Davis discussed the Maximum Balance Transfer Lot Calculation (see recording for detailed presentation.)

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4:12:37 Joe Reverman, Curtis Mucci, and Commissioner Carlson discussed the calculations and the review for the preservation of the slopes (see recording for detailed presentation.)

Commissioner Deliberation:

04:16:43 Commissioners' deliberation (see recording for detailed presentation.)

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.

04:18:02 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review, Applicant's Justification, and Staff Analysis, and testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the June 4, 2020 Planning Commission Meeting.

The vote was as follows:

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

No: None

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ADJOURNMENT

The meeting adjourned at approximately 5:25 p.m.

Chairman

Division Director