

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
September 21, 2023**

A regular meeting of the Louisville Metro Planning Commission was held on Thursday, September 21, 2023 at 1:00 p.m. at the Old Jail Auditorium, 514 W. Liberty Street, Louisville, Kentucky.

**Commission members present:**

Marilyn Lewis, Chair  
Lula Howard, Vice Chair  
Rich Carlson  
Bill Fischer  
Jim Mims  
Jennifer Kern  
Patricia Clare  
Suzanne Cheek  
Michelle Pennix  
Te'Andre Sistrunk (arrived at 1:19 pm)

**Commission members absent:**

**Staff Members present:**

Brian Davis, Assistant Director  
Julia Williams, Planning Manager  
Beth Stuber, Engineering Supervisor  
Mike Wilcher, Planning Supervisor  
Jay Lockett, Planning Supervisor  
Joel Dock, Planning Supervisor  
Dante St. Germain, Planner II  
Cathy Gomez, Associate Planner  
Laura Ferguson, Assistant County Attorney

**Others Present:**

The following matters were considered:

**PLANNING COMMISSION MINUTES**  
**September 21, 2023**

**APPROVAL OF MINUTES**

**SEPTEMBER 7, 2023 PLANNING COMMISSION REGULAR MEETING MINUTES**

00:04:19 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted.

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on September 7, 2023.

**The vote was as follows:**

**YES: Commissioners Mims, Fischer, Kern, Carlson, Clare, Howard, and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioner Sistrunk**

**ABSTAINING: Commissioners Pennix and Cheek**

**PLANNING COMMISSION MINUTES**  
**September 21, 2023**

**APPROVAL OF MINUTES**

**SEPTEMBER 11, 2023 PLANNING COMMISSION SPECIAL MEETING MINUTES**

00:05:01 On a motion by Commissioner Carlson, seconded by Commissioner Clare, the following resolution was adopted.

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on September 11, 2023.

**The vote was as follows:**

**YES: Commissioners Mims, Fischer, Kern, Carlson, Clare, Pennix, Cheek, and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Sistrunk**

**ABSTAINING: Commissioner Howard**

**PLANNING COMMISSION MINUTES**  
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**BUSINESS SESSION**

**LDC REFORM UPDATE – SEPTEMBER 21, 2023**

Request: LDC Reform Update  
Case Manager: Joel Dock, AICP, Planning Supervisor

**Agency Testimony:**

00:05:48 Joel Dock provided the Planning Commission with an update on the LDC Reform project. Dock provided an overview of staff activities, the AARP ADU design competition, and upcoming events and projects.

Commissioner Carlson asked if there was a timeframe for bringing forth the next round of amendments for review. Dock stated he anticipates there to be some items released this coming winter. Commissioner Mims asked if proposed amendments would come one at a time or all together. Dock said it would likely be a series of changes.

**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**  
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**PUBLIC HEARING**

**CASE NO. BE APPEAL – 13165 PLANTSIDE**

Project Name: Binding Element Appeal – 13165 Plantside  
Case Manager: Laura Ferguson, Assistant County Attorney

**Agency Testimony:**

00:22:15 Laura Ferguson stated the enforcement officer has revisited the site and the fuel tank and debris have been removed.

Commissioner Mims asked if the gravel on the site was done so with a proper site disturbance permit. Ferguson did not know the answer.

Commissioner Carlson asked Mike Wilcher if he was satisfied with the corrections that have been made on the site. Wilcher said the materials have been removed but enforcement will need to investigate the gravel.

**Deliberation:**

00:29:05 Planning Commission 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.**

00:36:40 On a motion by Commissioner Fischer, seconded by Commissioner Kern, the following resolution was adopted based on the testimony and discussion at the September 7 and 21, 2023 Planning Commission meetings.

**RESOLVED**, that the Louisville Metro Planning Commission will **UPHOLD** the citation but waive the fine.

**The vote was as follows:**

**YES: Commissioners Pennix, Fischer, Cheek, Mims, Howard, Kern and Lewis**  
**NO: Commissioners Clare, Carlson and Sistrunk**  
**NOT PRESENT FOR THIS CASE: None**

**PLANNING COMMISSION MINUTES**  
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**PUBLIC HEARING**

**CASE NO. BE APPEAL – 13013 DIXIE**

Project Name: Binding Element Appeal – 13013 Dixie Highway  
Case Manager: Laura Ferguson, Assistant County Attorney

**Agency Testimony:**

00:39:00 Laura Ferguson discussed the case summary and showed a PowerPoint presentation (see video). The citation states landscaping had not been installed as approved and there were inoperable vehicles on the site. The applicant said the landscaping was installed but has died, it just has not been replaced.

In response to a question from Commissioner Mims, Mike Wilcher stated there is a binding element that says only trailers can be stored on the site, no actual vehicles can be parked or stored there. Ferguson said there has been off and on citation activity since 2020.

**The following spoke:**

Amel Mehic, 13013 Dixie Highway, Louisville, KY 40214

Leland Jones, 8009 Troutwood Court, Louisville, KY 40291

**Summary of testimony:**

00:52:42 Amel Mehic spoke to the violations. They have tried planting landscaping on the site but it has not survived. There were personal matters that prevented them from submitting a revised plan for the site or to try and amend the binding element.

00:54:36 Leland Jones spoke to the violations.

Commissioner Carlson asked if the applicant understood the binding element and that had they said they would park trucks on the site that maybe the zoning wouldn't have been approved. Jones stated he thinks amending the binding element would be best for the business, and they did not know what they were agreeing to from an operations standpoint.

Commissioner Mims asked if a revised plan would have to go to Metro Council for final approval. Laura Ferguson said it would. Jones clarified they are asking to amend the binding element regarding truck parking.

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**CASE NO. BE APPEAL – 13013 DIXIE**

01:04:40 Mike Wilcher distributed photos that have been taken on the property that show a variety of violations. The photos include a sign that advertises truck repair, which is not permitted on the site.

**Deliberation:**

01:18:05 Planning Commission deliberation. Commissioner Mims believes there are four different violations on this site, so the plan is clearly not in compliance. Commissioner Fischer believes the applicant should be given more time to bring the site into compliance.

**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.**

01:35:01 On a motion by Commissioner Carlson, seconded by Commissioner Cheek, the following resolution, based on testimony and the evidence presented, was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission **UPHOLDS** the finding that the site is in violation of the approved development plan and binding elements, and **UPHOLDS** the \$1,000 fine, and **ISSUE** an order to correct all non-landscape violations by November 1, 2023 and all landscape violations by December 1, 2023, and an update/report be brought back to the Planning Commission on December 7, 2023.

**The vote was as follows:**

**YES: Commissioners Howard, Mims, Fischer, Kern, Carlson, Clare, Sistrunk, Pennix, Cheek, and Lewis**

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**PUBLIC HEARING**

**CASE NO. 23-ZONE-0065**

Request: Change in Zoning from R-7 & OR-1 to C-1 & C-R, Detailed District Development Plan with Binding Elements  
Project Name: Tran Property  
Location: 5024 & 5026 S Third Street; 307 W Kingston Avenue  
Owner: Xinh Properties LLC; Hieu Do  
Applicant: Di Tran  
Representative: Architectural Artisans  
Jurisdiction: Louisville Metro  
Council District: 21 – Betsy Ruhe  
Case Manager: Jay Lockett, AICP, Planning Supervisor

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

**Agency Testimony:**

01:38:00 Jay Lockett provided a summary of the request and provided a PowerPoint presentation (see video). The applicant is proposing to add a bakery onto an existing structure on the site. The access point to S. Third Street is proposed to be removed.

Commissioner Mims asked if the design of the addition complied with the regulations.

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

Di Tran, 5026 S. Third Street, Louisville, KY 40214

Matthew Kuhl, Architectural Artisans, 213 S. Shelby Street, Louisville, KY 40202

**Summary of those who spoke in favor:**

01:44:22 Di Tran spoke in support of the application. Tran said this is the only corner at this intersection that is not zoned commercial. The property will be maintained if approved.

01:46:10 Commissioner Carlson asked if any units would be lost. Matthew Kuhl said two units would be lost on the ground floor. Di Tran stated the tenants in the space now

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will be relocated to two vacant units on the site. Tran said they have no intent to sell the site, so they have no objection to the binding element to eliminate some uses.

01:54:40 Commissioner Pennix asked about the location of parking on the site. Matthew Kuhl stated the parking on the S. Third Street side would be removed. They are proposing to add two spots on the site, and there is street parking that could be used by customers.

**The following spoke as neutral:**

Rebecca Katz, 601 W. Jefferson Street, Louisville, KY 40202

**Summary of those who spoke as neutral:**

01:58:20 Rebecca Katz asked if the tenants who are being relocated will be offered the same rental rate in their new unit. She also asked if the lost units would be replaced.

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

Edward Korfhage, 5024 S. Third Street, Apartment 1, Louisville, KY 40214

Ann Ramser, 307 E. Kenwood Drive, Louisville, KY 40214

**Summary of those who spoke in opposition:**

02:00:10 Edward Korfhage spoke in opposition to the request. Korfhage stated he is in one of the units that would be eliminated. Korfhage has had maintenance issues in his apartment. Korfhage does not understand how the proposed parking plan can meet demand for the residences and the commercial uses. Korfhage has concerns about the parking spaces on W. Kingston Avenue.

02:06:06 Ann Ramser spoke in opposition to the request. Ramser said there is a housing shortage in the community, and does not like the removal of two existing units, and disagrees with the finding that the Plan 2040 Housing goals are being met because these units are not being replaced. Ramser also has concerns with the ability to properly separate the commercial use from the residential units that will remain.

**Rebuttal:**

02:17:20 Matthew Kuhl rebutted the oppositional testimony regarding the design. There are currently eight total units, two of which will be removed. The building code requirements would be met. Di Tran provided rebuttal. His family has lived in the building

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for a number of years. There is commercial next door to the north and on the other three corners of this intersection. Tran stated he offered Korfhage a nicer unit for the same rent he is paying at the unit that will be lost.

Commissioner Pennix asked if the tenant in the other unit will be offered a unit. Tran stated he has not heard back from that tenant.

Commissioner Clare asked why there was time restricted parking in the area. Commissioner Kern said that is probably because of the commercial uses that are in the vicinity.

Commissioner Mims asked about the language in the Housing goals in Plan 2040.

**Deliberation:**

02:23:24 Planning Commission 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 Change from R-7 & OR-1 to C-1 & C-R**

02:39:55 On a motion by Commissioner Mims, seconded by Commissioner Sistrunk the following resolution based on the staff report and applicant's testimony heard today, was adopted.

**WHEREAS**, the Planning Commission finds the requests meets Plan 2040 Community Form: Goal 1 because the proposal does not represent an expansion of non-residential uses into residential areas, as the site already contains a mix of residential and non-residential uses. The site is within an established neighborhood serving commercial area along S third St. Adequate buffering and screening will be provided adjacent to residential areas and public streets. The site is served directly by transit along S Third Street. The site is adequately served by existing transportation networks and is within proximity to a variety of services, amenities and employment opportunities. The proposed zoning would not permit industrial development or other hazardous uses. The site will be subject to all lighting and noise standards of the Land Development Code and the Louisville Metro Code of Ordinances. The applicant is proposing to close an existing curb cut on S Third St which is in close proximity to the intersection with W Kingston Ave. This should result in improved traffic safety for all users around the site. The proposal does not appear to add any significant additional noise-generating uses,

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**WHEREAS**, the request meets Community Form: Goal 2 because the site is located in proximity to a variety of commercial uses along S Third St. Appropriate access and connectivity exists to allow the development within the context of the Traditional Neighborhood form district, as there are a variety of commercial uses in the vicinity along S Third St. The proposed zoning would permit a variety of neighborhood serving uses in an area with adequate population to support them. The proposed zoning district will result in a compact development pattern and efficient land use that utilizes existing infrastructure. The proposed zoning district would allow a variety of land uses that encourage walkability and alternative modes of travel. The subject site is already a mix of multifamily residential and a neighborhood serving commercial use, with the proposal to expand the commercial options on site while retaining residential units. The zoning district would allow for a wide variety of uses, including mixed residential and commercial uses. The proposed development includes a mix of residential uses and neighborhood serving commercial uses. The development would allow a previously developed site to provide a mix of residential units and commercial uses. S Third Street has a variety of commercial development in the immediate vicinity. The applicant will provide adequate transition to the lower intensity residential uses to the west along Kingston Avenue,

**WHEREAS**, the proposal meets Community Form: Goal 3 because the site is previously developed and does not contain distinctive natural features. The applicant indicates they will preserve existing trees on site. The site is previously developed and does not have potential hydric soils or erosion concerns. The subject site is not in the flood plain,

**WHEREAS**, the proposal meets Community Form: Goal 4 because per Historic Preservation staff: the building is a circa 1942, two story, masonry apartment building. The front façade faces 3rd Street and is also the elevation on which the new addition is proposed. This will significantly alter the historic integrity of the structure and may negatively affect its future ability to be listed on the National Register and access rehabilitation tax credits, since it is over 50 years of age. Urban Design staff recommends additions be constructed on non-primary facades when possible.

**WHEREAS**, the proposal meets Mobility: Goal 1 because the site is within a neighborhood scale commercial area and is well served by existing transportation networks. The site has a transit stop directly in front along S Third St and has ready access to employment centers,

**WHEREAS**, the proposal meets Mobility: Goal 2 because the site is served by existing public roadways and would not create additional access through areas of lower intensity,

**WHEREAS**, the proposal meets Mobility: Goal 3 because the proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking. The proposed development would include a mix of residential dwelling and neighborhood

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scale commercial uses that encourage a reduction in vehicle miles traveled. The subject site is well served by existing transportation networks. The applicant will repair or improve sidewalks adjacent to the site as needed. The subject site is well served by existing transportation networks,

**WHEREAS**, the proposal meets Community Facilities: Goal 2 because utility service will be coordinated. Water service will be coordinated with Louisville Water Company. Sewer service will be coordinated with MSD.

**WHEREAS**, the proposal meets Economic Development: Goal 1 because S. Third Street is a primary collector. The nearest arterial roadway is approximately 875 feet away at Southside Drive,

**WHEREAS**, the proposal meets Livability: Goal 1 because the site does not have potential for erosion or other environmental concerns,

**WHEREAS**, the proposal meets Housing: Goal 1 because the proposed zoning district would allow for a variety of housing types and densities. The site is near a variety of services that support aging in place. The site is served directly by transit,

**WHEREAS**, the proposal meets Housing: Goal 2 because the proposed zoning district would allow for a variety of housing types and densities. The site is near a variety of services that support mixed income households. The subject site is within an established neighborhood scale commercial center and is served by public transit on S Third St. The site is near a wide variety of services, amenities and employment opportunities, and

**WHEREAS**, the proposal meets Housing: Goal 3 because the proposed zoning allows for mixed uses and a variety of housing options that promotes the provisioning of fair and affordable housing; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** the Louisville Metro Council **APPROVE** the zoning map amendment from R-7 & OR-1 to C-1 & C-R as described in the legal description.

**The vote was as follows:**

**YES: Commissioners Clare, Cheek, Fischer, Mims, Howard, Kern, Sistrunk and Lewis**

**NO: Commissioner Pennix**

**ABSTAIN: Commissioner Carlson**

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**Detailed District Development Plan**

02:40:50 On a motion by Commissioner Mims, seconded by Commissioner Sistrunk, the following resolution based on the staff report and applicant's testimony heard today, was adopted:

**WHEREAS**, there are no significant natural or historic resources on the subject site,

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning has approved the preliminary development plan,

**WHEREAS**, there are no open space requirements associated with this request,

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

**WHEREAS**, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate screening will be provided to screen adjacent properties and roadways, and

**WHEREAS**, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, except where relief is requested; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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

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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 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. A reciprocal access and crossover easement and shared parking agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to the elevations/renderings presented at the Planning Commission public hearing on September 21, 2023. A copy of the approved rendering shall be 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. At such a time that the property to the north redevelops for a non-residential use, a reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors,

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subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

7. The following uses, while ordinarily permitted within the C-1 zoning district shall not be permitted on the subject site:

Automobile rental agencies with no more than 25 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel

Automobile parking areas, public and private

Automobile service stations with service bays for repair of no more than two vehicles

Package liquor stores (no on-site alcohol consumption allowed)

Pawn Shop

Smoking Retail Store

**The vote was as follows:**

**YES: Commissioners Clare, Cheek, Fischer, Mims, Howard, Kern, Sistrunk and Lewis**

**NO: Commissioner Pennix**

**ABSTAIN: Commissioner Carlson**

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**PUBLIC HEARING**

**CASE NO. 23-ZONE-0075**

Request: Change in Zoning from R-4 to C-1 with Detailed District Development Plan and Binding Elements, and Waivers  
Project Name: Dance Designs  
Location: 7603 River Road  
Owner: Charles & Carol Hebel  
Applicant: Dance Designs  
Representative: Blomquist Design Group  
Jurisdiction: Louisville Metro  
Council District: 16 – Scott Reed  
Case Manager: Dante St. Germain, AICP, Planner II

*Commissioner Sistrunk left at the start of this case.*

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

**Agency Testimony:**

02:45:15 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report (see video for PowerPoint presentation). The applicant is proposing a dance studio to be located between the existing commercial center and a utility office.

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

Marv Blomquist, Blomquist Design Group, 10529 Timberwood Circle, Suite D, Louisville, KY 40223

**Summary of those who spoke in favor:**

02:50:40 Marv Blomquist spoke in support of the application (see video). Blomquist explained how the use and building will fit in well with the character of the area.

Commissioner Mims asked if the applicant would be agreeable to a binding element stating the building would look similar to the renderings provided today. Blomquist said they are agreeable to that binding element.

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**Deliberation:**

03:00:33 Planning Commission 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 Change from R-4 to C-1**

03:03:40 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the staff report and applicant's testimony heard today, was adopted.

**WHEREAS**, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the site is located along immediately adjacent to a commercial development which is zoned C-2. The proposed C-1 zoning would represent a step down in intensity from the C-2 district to the residential development to the west. The site is located adjacent to an existing commercial development and is on River Road, a minor arterial at this location. The proposed zoning district would not permit hazardous uses. Uses with air, noise and light emissions must comply with LMCO and LDC restrictions. The proposed zoning district would not permit noxious odors, particulates or emissions. Access to the site is via River Road, a minor at this location. Adequate buffering will be provided to adjacent residential uses to mitigate any noise impacts,

**WHEREAS**, the proposal meets Community Form: Goal 2 because the site is located adjacent to an existing activity center. The site has appropriate access and connectivity. The site is located along River Road, a minor arterial at this location, and adjacent to an existing activity center. The proposed zoning district would permit a more compact pattern of development adjacent to an existing activity center. The proposed zoning district would permit a mixture of compatible land uses adjacent to an existing activity center. The proposed zoning district would permit residential uses above retail. The proposal would provide new development providing commercial uses. No underutilized parking lots are proposed. The proposed zoning district would permit an appropriate design and scale of a center in the Village Center Form District,

**WHEREAS**, the proposal meets Mobility: Goal 1 because the site is located adjacent to an existing activity center,

**WHEREAS**, the proposal meets Mobility: Goal 2 because access to the site is via River Road, a minor arterial level roadway,

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**WHEREAS**, the proposal meets Mobility: Goal 3 because the proposal would permit a mix of complementary neighborhood-serving uses. The site is easily accessible by bicycle and car. Access by transit may be improved by the proposal, as new transit routes are proposed where more density of residential and commercial is constructed. Access by pedestrians and people with disabilities will be improved by the proposal. The proposal would permit higher-density mixed-use developments that reduce the need for multiple automobile trips. Transportation Planning has approved the proposal.

**WHEREAS**, the proposal meets Community Facilities: Goal 2 because the relevant utilities have approved the proposal. Louisville Water Company has approved the proposal. MSD has approved the proposal,

**WHEREAS**, the proposal meets Economic Development: Goal 1 because the site is located on River Road, a minor arterial at this location. The site has adequate access to a major arterial at US Hwy 42, and

**WHEREAS**, the proposal meets Housing: Goal 1 because the proposed zoning district would support aging in place by permitting commercial uses adjacent to an existing commercial activity center,

**WHEREAS**, the proposal meets Housing: Goal 2 because the proposed zoning district would permit inter-generational mixed-income and mixed-use development. The proposal would permit housing to be in proximity to an activity center providing neighborhood goods and services, and

**WHEREAS**, the proposal meets Housing: Goal 3 because no existing residents will be displaced by the proposal. The proposed zoning district would permit innovative methods of housing; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does **RECOMMEND** the Louisville Metro Council **APPROVE** the proposed zoning map amendment from R-4 to C-1 on the property described in the legal description.

**The vote was as follows:**

**YES: Commissioners Clare, Fischer, Mims, Howard, Kern, Pennix, Cheek, Carlson and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioner Sistrunk**

**Waivers from Section 5.5.1.A.3.d, Section 5.5.1.A.1, and TABLE 10.2.3**

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**CASE NO. 23-ZONE-0075**

03:04:28 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the staff report, applicant's testimony today, and Staff Analysis, was adopted:

**WHEREAS**, the waiver will not adversely affect adjacent property owners as there is a line of trees between the site and the adjacent non-residential site, which is located on the adjacent site and would prohibit connectivity. Both sites have adequate access to River Road,

**WHEREAS**, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate connectivity in order to reduce trips and vehicle miles traveled. A connection between the adjacent properties would be unlikely to reduce trips, as the proposed use on the site sees parents dropping off their children for dance lessons and then driving away for the remainder of the lesson,

**WHEREAS**, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the tree line already exists. Additionally, providing the required connectivity would make development of the site infeasible,

**WHEREAS**, 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 provision of the required connectivity would make development of the site infeasible,

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the side of the structure that faces the street is adequately articulated,

**WHEREAS**, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address building façades,

**WHEREAS**, the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as another entrance into the structure could be provided along the River Road elevation,

**WHEREAS**, the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived because the elevation facing River Road is sufficiently articulated to appear to be the front of the building,

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the most affected structure is in non-residential use,

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**WHEREAS**, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. The proposed use is neighborhood-serving and unlikely to cause significant impacts on the neighbors,

**WHEREAS**, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the lot is relatively narrow and parking is required to be in the rear. Providing the full required buffer would make development of the lot infeasible, and

**WHEREAS**, 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 lot would be unusable if the full LBA were provided; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers.

**The vote was as follows:**

**YES: Commissioners Clare, Fischer, Mims, Howard, Kern, Pennix, Cheek, Carlson and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioner Sistrunk**

**Detailed District Development Plan**

03:05:37 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the staff report and applicant's testimony heard today, was adopted:

**WHEREAS**, no natural resources exist on the site currently except for light tree canopy. The trees in the rear will be preserved. Required street trees will be provided,

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

**WHEREAS**, no open space requirements are pertinent to the request,

**WHEREAS**, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in

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order to prevent drainage problems from occurring on the subject site or within the community,

**WHEREAS**, the overall site design is in compliance with existing and planned future development in the area. The proposal would provide commercial development adjacent to existing commercial development, and

**WHEREAS**, the development plan conforms to applicable requirements of the Land Development Code and Plan 2040 with the exception of the requested waivers. The site plan complies with the policies and guidelines of the Comprehensive Plan; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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- c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - d. The materials and design of the approved structure shall be substantially similar to the elevations/renderings presented at the Planning Commission public hearing on September 21, 2023. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

**The vote was as follows:**

**YES: Commissioners Clare, Fischer, Mims, Howard, Kern, Pennix, Cheek, Carlson and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioner Sistrunk**

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**PUBLIC HEARING**

**CASE NO. 23-ZONE-0070**

Request: Change in Zoning from R-4 & C-1 to PEC & C-1 with  
General District Development Plan and Binding Elements  
Project Name: Louisville Water Company Rezoning  
Location: 207 & 209 N English Station Road  
Owner: Louisville Water Company, Louisville Metro  
Applicant: Louisville Water Company  
Representative: Milestone Design Group  
Jurisdiction: Middletown  
Council District: 19 – Anthony Piagentini  
Case Manager: Dante St. Germain, AICP, Planner II

*Commissioner Pennix left before this case began.*

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

**Agency Testimony:**

03:07:46 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report (see video for PowerPoint presentation). The request is just to rezone the properties at this time. The applicant would be required to come back with a detailed plan prior to being developed.

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

Jim Calvery, Louisville Water Company, 550 S. Third Street, Louisville, KY 40202

Mark Madison, Milestone Design Group, 108 Daventry Lane, Louisville, KY 40223

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

03:11:56 Jim Calvery spoke in support of the application. The Louisville Water Company sees this as surplus property and wishes to eventually market the property.

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Commissioner Cheek asked about the detention basin that is on the site. Commissioner Mims asked if Data Vault Drive would be improved. Calvery is not aware of any improvement plans at this time.

**Deliberation**

03:20:36 Planning Commission 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 Change from R-4 & C-1 to PEC & C-1**

03:22:40 On a motion by Commissioner Howard, seconded by Commissioner Fischer, the following resolution based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

**WHEREAS**, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the proposal would not constitute non-residential expansion into an existing residential area. The vicinity of the site is already non-residential in nature. The proposal would permit higher density and intensity uses. The site is located on a transit route and within an activity center. The proposal is for industrial zoning. The site is located in a Workplace form. The area is non-residential in nature and disadvantaged populations will not be disproportionately impacted. The proposal would permit uses generating noxious odors, particulates and emissions. The site is located in a non-residential area. Access to the site is via N English Station Road from Shelbyville Road. The site is located in a non-residential area and existing communities will not be impacted. The proposed zoning district would not permit junkyards, landfills or quarries,

**WHEREAS**, the proposal meets Community Form: Goal 2 because site is located within an existing activity/employment center. The proposal would permit retail development. The site is located within an existing activity/employment center. The proposal would permit a more compact pattern of development. The proposed zoning district would permit a mixture of compatible land uses,

**WHEREAS**, the proposal meets Community Form: Goal 2 because the proposal would permit new development providing commercial/industrial uses,

**WHEREAS**, the proposal meets Community Form: Goal 3 because no natural features are evident on the site. No wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site. No flood-prone areas are evident on the site. More

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information regarding karst terrain will be needed at the time of detailed development plans,

**WHEREAS**, the proposal meets Community Form: Goal 4 because no historic assets are evident on the site. No distinctive cultural features are evident on the site,

**WHEREAS**, the proposal meets Mobility: Goal 1 because the site is located within an existing employment center with transit located nearby,

**WHEREAS**, the proposal meets Mobility: Goal 3 because the proposed zoning district would permit a mixture of compatible land uses. The site is easily accessible by car and bicycle, and transit is located nearby. Accessibility by pedestrians and people with disabilities would be improved by the development. Transit is located adjacent to the site. The proposal would encourage higher density mixed-use development. Transportation Planning has approved the proposal,

**WHEREAS**, the proposal meets Community Facilities: Goal 2 because the relevant utilities have approved the proposal. Louisville Water Company has approved the proposal. MSD has approved the proposal,

**WHEREAS**, the proposal meets Economic Development: Goal 1 because the proposed zoning district would permit land uses compatible with the existing Workplace form. The site is located adjacent to existing industry. The site has adequate access to Shelbyville Road and I-265. The site is located within an existing industrial subdivision and has adequate access to Shelbyville Road and I-265,

**WHEREAS**, the proposal meets Livability: Goal 1 because the site is not located within the regulatory floodplain,

**WHEREAS**, the proposal meets Housing: Goal 1 because the proposed C-1 zoning district would permit housing. The proposal would support aging in place by encouraging housing near existing shopping and transit,

**WHEREAS**, the proposal meets Housing: Goal 2 because the proposed C-1 zoning district would permit housing. The site is located in proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services, and

**WHEREAS** the proposal meets Housing: Goal 3 because no existing residents would be displaced by the proposal. The proposed C-1 zoning district would permit housing. The proposal would permit innovative methods of housing; now, therefore be it

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**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the City of Middletown **APPROVE** the change in zoning from R-4 & C-1 to PEC & C-1 on property described in the legal description.

**The vote was as follows:**

**YES: Commissioners Clare, Fischer, Mims, Howard, Kern, Cheek, Carlson and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Pennix and Sistrunk**

**General District Development Plan**

03:23:52 On a motion by Commissioner Howard, seconded by Commissioner Fischer, the following resolution based on the staff report and applicant's testimony heard today, was adopted:

**WHEREAS**, the site is generally vacant with no natural resources evident on the site. Required tree canopy will be provided with the detailed plans as they are submitted,

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

**WHEREAS**, no open space requirements are pertinent to the request,

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

**WHEREAS**, the overall site design is in compliance with existing and planned future development in the area. The proposal would permit a general development plan on a surplus lot under commercial-industrial zoning. Future development of each phase of the project would require detailed development plans, and

**WHEREAS**, the general development plan conforms to applicable requirements of the Land Development Code and Plan 2040; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the General District Development Plan **SUBJECT** to the following Binding Elements:

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1. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
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. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
5. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.
9. A signal contribution shall be paid in the amount of \$37,255.37 for the northern intersection of N. English Station Road and Aiken Road within 30 days of the request by the Metro Department of Public Works.

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**The vote was as follows:**

**YES: Commissioners Clare, Fischer, Mims, Howard, Kern, Cheek, Carlson and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Pennix and Sistrunk**

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**PUBLIC HEARING**

**CASE NO. 23-ZONE-0047**

Request: Change in Zoning from R-4 to C-M with Detailed District Development Plan and Binding Elements  
Project Name: Bunch – Old Fern Valley Road  
Location: 1285, 1295 & 1305 Old Fern Valley Road  
Owner: Kimberly Bunch  
Applicant: Kimberly Bunch  
Representative: Wyatt, Tarrant & Combs  
Jurisdiction: Louisville Metro  
Council District: 21 – Betsy Ruhe  
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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

03:24:55 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report (see video for PowerPoint presentation). The applicant is proposing a storage facility.

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

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

Derek Triplett, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40223

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

03:28:28 Jon Baker spoke in support of the application and presented a PowerPoint presentation (see video for details). The area is in transition, so residential no longer seems the most appropriate use for the site.

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03:37:50 Derek Triplett spoke in support of the application. Triplett described some of the plan elements. The gate has been relocated per the discussion at the LD&T meeting. Some of the existing tree canopy on the site is being preserved.

03:40:41 Jon Baker resumed testimony.

**Deliberation:**

03:43:18 Planning Commission 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 Change from R-4 to C-M**

03:44:58 On a motion by Commissioner Cheek, seconded by Commissioner Clare, the following resolution based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

**WHEREAS**, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the proposal would permit the redevelopment of a site that is already within the Suburban Workplace form and is appropriate for redevelopment. The proposal would permit higher density and intensity uses. The site is close to transit along Preston Highway and would expand an existing employment center. The proposal is for industrial zoning. The site is located in a Workplace form. The site is located in a Workplace form with little residential located nearby. Proposed tree preservation will mitigate any air quality impacts on the residential uses north of the site. Access to the site is via Old Fern Valley Road from Fern Valley Road or Preston Highway. Old Fern Valley Road also services other industrial properties. Proposed tree preservation will mitigate any noise impacts on the residential uses north of the site. The proposed zoning district would not permit junkyards, landfills or quarries,

**WHEREAS**, the proposal meets Community Form; Goal 2 because the site is located adjacent to an existing activity/employment center and would expand the center. The proposal would permit retail development. The site is located adjacent to an existing activity/employment center. The proposal would permit a more compact pattern of development. The proposed zoning district would permit a mixture of compatible land uses. The proposed zoning district would not permit single-family residential uses. Multi-family residential uses above retail would be permitted. The proposal would permit new development providing commercial/industrial uses,

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**WHEREAS**, the proposal meets Community Form; Goal 3 because tree preservation will be provided on the site. No wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site,

**WHEREAS**, the proposal meets Mobility: Goal 1 because the site is adjacent to an existing employment center with transit located nearby,

**WHEREAS**, the proposal meets Mobility: Goal 3 because the proposed zoning district would permit a mixture of compatible land uses. The site is easily accessible by car and bicycle, and transit is located nearby. Accessibility by pedestrians and people with disabilities would be improved by the development. Transit is located close to the site. The proposal would encourage higher density mixed-use development. Transportation Planning has approved the proposal,

**WHEREAS**, the proposal meets Community Facilities: Goal 2 because the relevant utilities have approved the proposal. Louisville Water Company has approved the proposal. MSD has approved the proposal,

**WHEREAS**, the proposal meets Economic Development: Goal 1 because the proposed zoning district would permit land uses compatible with the existing Workplace form. The site is located adjacent to existing industry. The site has adequate access to Fern Valley Road, a major arterial. The site is located across Old Fern Valley Road from an existing industrial subdivision,

**WHEREAS**, the proposal meets Housing: Goal 1 because the proposal would support aging in place by permitting multi-family development in proximity to an employment center,

**WHEREAS**, the proposal meets Housing: Goal 2 because the proposal would support inter-generational mixed-income and mixed-use development by permitting multi-family development in proximity to an employment center. Multi-family housing would be permitted by the proposed zoning district. The site is located close to Preston Highway, a transit corridor, and

**WHEREAS**, the proposal meets Housing: Goal 3 because no existing residents would be relocated by the proposal. The proposed zoning district would permit innovative methods of housing; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the change in zoning from R-4 to C-M on property described in the legal description.

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The vote was as follows:

**YES: Commissioners Clare, Fischer, Mims, Howard, Kern, Cheek, Carlson and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Pennix and Sistrunk**

**Detailed District Development Plan**

03:45:45 On a motion by Commissioner Cheek, seconded by Commissioner Clare, the following resolution based on the staff report and applicant's testimony heard today, was adopted:

**WHEREAS**, tree canopy exists on site, and will be preserved according to Land Development Code requirements,

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

**WHEREAS**, no open space requirements are pertinent to the request,

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

**WHEREAS**, the overall site design is in compliance with existing and planned future development in the area. The proposal would permit light industrial uses in a Suburban Workplace form, and

**WHEREAS**, the development plan conforms to applicable requirements of the Land Development Code and Plan 2040; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the

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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 plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Office of Planning; a copy of the recorded instrument shall be submitted to the Office of Planning 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system 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

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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. No office shall be permitted on the site, or employees permitted to work on site, other than that work required for construction or occasional cleaning of the property, until and unless a septic system is provided and approved by the Department of Public Health and Wellness, or a sewer connection is provided to the property.
9. No vehicles or trailers which are regulated in the Land Development Code as heavy trucks shall be stored on the property.

**The vote was as follows:**

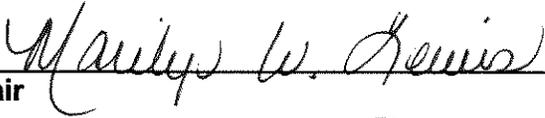
**YES: Commissioners Clare, Fischer, Mims, Howard, Kern, Cheek, Carlson and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Pennix and Sistrunk**

**PLANNING COMMISSION MINUTES**  
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**ADJOURNMENT**

The meeting adjourned at approximately 5:04 p.m.

  
\_\_\_\_\_

**Chair**

  
\_\_\_\_\_

**Planning Director**