

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
August 29, 2019**

A meeting of the Louisville Metro Planning Commission was held on August 29, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Commission members present:**

Vince Jarboe, Chair  
Marylin Lewis, Vice Chair *left approx. 3:00p.m.*  
Jeffery Brown  
Richard Carlson *left approx.4:50p.m.*  
David Tomes  
Ruth Daniels  
Lula Howard

**Commission members absent:**

Robert Peterson  
Emma Smith

**Staff Members present:**

Emily Liu, Director, Planning & Design Services  
Joe Reverman, Assistant Director, Planning & Design Services  
Brian Davis, Planning & Design Manager  
Steve Hendrix, Planning & Design Coordinator  
Joel Dock, AICP, Planner II  
Dante St. Germain, AICP, Planner II  
Jay Lockett, AICP, Planner I  
Beth Stuber, Transportation Planning  
Travis Fiechter, Legal Counsel  
Rachel Dooley, Management Assistant

The following matters were considered:

## PLANNING COMMISSION MINUTES

August 29, 2019

### APPROVAL OF MINUTES

#### Approval of the Minutes for the August 12, 2019 Planning Commission public night hearing

00:06:24 On a motion by Commissioner Carlson, seconded by Commissioner Tomes, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the meeting conducted August 12, 2019.

**The vote was as follows:**

**YES: Commissioners Tomes, Brown, Lewis, and Carlson**

**ABSTAINING: Commissioners Daniels, Howard, and Jarboe.**

**NOT PRESENT: Commissioners Peterson and Smith**

#### Approval of the Minutes for the August 15, 2019 Planning Commission public hearing

00:07:19 On a motion by Commissioner Carlson, seconded by Commissioner Tomes, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the meeting conducted August 15, 2019.

**The vote was as follows:**

**YES: Commissioners Tomes, Brown, Lewis, Howard, Carlson, and Jarboe**

**ABSTAINING: Commissioner Daniels**

**NOT PRESENT: Commissioners Peterson and Smith**

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

**CASE NO. 19DEVPLAN1120**

Request:	Revised detailed district development plan with landscape waivers
Project Name:	Logistics Airpark
Location:	5540 Minor Lane
Owner:	LaGrange, LLC & Nicklies Exchange, LLC
Applicant:	Nicklies Development
Representative:	Nicklies Development
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.

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

**Agency Testimony:**

00:08:17     Joel Dock presented the case via Power Point slide show (see staff report and recording for detailed presentation). Mr. Dock noted the error in public notification for the July 31, 2019 DRC Meeting. He stated Councilman Mark Fox has requested that the full body of the Planning Commission consider the application.

00:12:51     Emily Liu noted the case presented today is not an appeal case. It is being heard today is an opportunity for neighborhood residents to voice their concerns and opinions if they were not present at the DRC meeting (see recording for detailed presentation).

00:14:32     Commissioners and Travis Fiechter discussed to affirm the approval of the Development Review Committee findings for this case (see recording for detailed presentation).

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

No one spoke in support.

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

No one spoke in opposition.

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**Deliberation:**

00:14:54 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.**

00:15:29 On a motion by Commissioner Tomes, seconded by Commissioner Carlson, the following resolution, based evidence and testimony heard today and at the July 31, 2019 Development Review Committee meeting, was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby **AFFIRM** the decision of the Development Review Committee to **APPROVE** 19DEVPLAN1120 as presented on July 31, 2019.

**The vote was as follows:**

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

**NOT PRESENT: Commissioners Smith, and Peterson.**

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**PUBLIC HEARING**

**CASE NO. 19CUP1036**

Request: Floyds Fork Overlay Review  
Project Name: The Stables at Floyds Fork  
Location: 10503 ½ Bardstown Bluff Road  
Owner: Stephanie L. Perri  
Applicants: Stephanie L. Perri & Carin Veech  
Representative: Nicholas R. Pregliasco  
Jurisdiction: Louisville Metro  
Council District: 20 – Stuart Benson

**Case Manager: Steve Hendrix , Planning & Design Coordinator**

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:**

00:17:03 Steve Hendrix, presented the case via Power Point slide show summary (see staff report and recording for detailed presentation). Mr. Hendrix detailed the new landscape buffer areas on the site plan.

00:18:39 Commissioner Carlson, Brown, and Jarboe discussed the new site plan detailing the additional landscape buffer areas

00:20:43 Commissioner Brown inquired if there was an application for a sidewalk waiver and if the waiver is up for review at this meeting. Steve Hendrix replied the applicant has applied for a sidewalk waiver, but it is not up for review at this meeting. Emily Liu stated there will be a conditional use permit presented at the Board of Zoning Adjustment for the sidewalk waiver.

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

Nick Pregliasco, 1000 N. Hurstbourne Parkway, 2<sup>nd</sup> Floor, Louisville, Kentucky, 40223

Kathy Linares, 5151 Jefferson Boulevard, Louisville, Kentucky 40219

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

00:22:00 Nick Pregliasco, applicant, presented the changes made to the site plan to address issues discussed at previous DRC and Planning Commission meetings (see recording for detailed presentation).

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00:33:00 Kathy Linares presented a concept landscape plan indicating the alternate locations of landscape buffering. Ms. Linares spoke of the plantings allowed within the LG&E easements. Kathy noted she spoke with Sheri Long in regards to the tree requirement within the parking lot (see recording for detailed presentation).

00:39:40 Commissioner Carlson asked what can be done protect the existing vegetation from being removed in the future. Nick Pregliasco noted the ROW locations between Bardstown Bluff road and the development (see recording for detailed presentation). Mr. Pregliasco stated there can be a condition of approval to preserve vegetation in the development and along adjacent properties.

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

Emily Bryan, 10505 Bardstown Bluff Road, Louisville, Kentucky, 40219

Billy Seabolt, 10503 Bardstown Bluff Road, Louisville, Kentucky, 40219

Grace Bryan, 10505 Bardstown Bluff Road, Louisville, Kentucky, 40219

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

00:44:25 Emily Bryan spoke of the amount of similar venues in the area. Ms. Bryan stated the eco system will be affected by the development due to water runoff from the paved surfaces, vehicles, trash, and lack of proper waste management. Grace spoke of noise pollution from events and hours of operation affecting adjacent property owners (see recording for detailed presentation).

00:50:31 Billy Seabolt, adjacent property owner, addressed vegetation in the LG&E easement. Mr. Seabolt noted there will be pollution from vehicles, trash, and noise. He also spoke of the lack of septic system (see recording for detailed presentation).

00:59:30 Grace Bryan, adjacent property owner, presented paper handout to commissioners detailing her questions. Ms. Bryan stated there should be vegetation to buffer along the full length of the property. She noted the water shed along Floyd's Fork, the DRO, parking lot landscape buffers, the upkeep of the development using fertilizers causing pollution. Ms. Bryan spoke of her concerns with waste management (see recording for detailed presentation).

**Rebuttal:**

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01:20:30 Nick Pregliasco stated there have been improvements to landscape buffering to lower visual impact of this development. He noted this development is reusing existing structures and additions to the site would be a paved parking lot. (see recording for detailed presentation).

01:26:53 Commissioner Carlson, Nick Pregliasco, and Kathy Linares discussed the addition of landscape screening along the full length of the property (see recording for detailed presentation).

**Deliberation**

01:30:03 Commissioner's 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.**

01:36:24 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Floyd's Fork Overlay review, staff report, and testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Floyd's Fork Overlay review **ON CONDITION** all existing vegetation shall be preserved and the applicant shall install the removable back-drop no more than 24 hours before an event and the removable back-drop shall be removed not more than 24 hours after the event.

**The vote was as follows:**

**YES: Commissioners Tomes, Daniels, Brown, Lewis, Carlson, and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Peterson**

**ABSTAINING: Commissioner Howard**

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**PUBLIC HEARING**

**CASE NO. 18ZONE1086**

***NOTE: The minutes for this case were voted on and approved at today's meeting to facilitate an immediate transmittal. The following are the minutes from this case that were approved.***

Request: Change in zoning from R-4 to R-7, and Detailed District Development Plan with Binding Elements  
Project Name: Clover Senior Housing  
Location: 8700 Old Bardstown Road  
Owner: George E Koppel Jr Rev Trust  
Applicant: Clover Communities Bardstown LLC  
Representative: McBride Dale Clarion  
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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

This case was continued from the August 15, 2019 public hearing to allow Planning & Design to post a sign on the property. Dante St. Germain represented a summary of the request (see staff report and video for the PowerPoint presentation).

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

Robert Sweet, 5721 Dragon Way, Suite 300, Cincinnati Ohio 45227

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

Robert Sweet was here to answer questions.

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

No one spoke.



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**Deliberation**

Commissioners discussed (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.**

**Change in Zoning**

On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution, based on the Staff Report and testimony heard today and on August 15, 2019, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the subject site is located near an activity center and near a transit corridor. The proposed zoning district would allow higher density and intensity uses; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form: Goal 1 because required buffers will be provided. The proposed zoning district would create an appropriate transition between the commercial uses to the east and the lower-density residential uses to the west; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form: Goal 2 because the proposed zoning district would permit new development that provides residential uses; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form Goal 3 because no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form Goal 4 because no distinctive cultural features are evident on the site; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form Goal 4 because no historic assets were evident on the site; and

**WHEREAS**, the Commission further finds that the proposal meets Mobility Goal 1 because the subject site is near an existing activity center. The proposed zoning district would permit higher density and intensity uses; and

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**WHEREAS**, the Commission further finds that the proposal meets Mobility Goal 2 because access to the site will be achieved from Old Bardstown Road, a primary collector; and

**WHEREAS**, the Commission further finds that the proposal meets Mobility Goal 3 because proposed zoning district would increase the mixture of compatible land uses in the vicinity; and

**WHEREAS**, the Commission further finds that the proposal meets Mobility Goal 3 because Transportation Planning has approved the proposal; and

**WHEREAS**, the Commission further finds that the proposal meets Mobility Goal 3 because direct residential access to high speed roadways is not proposed; and

**WHEREAS**, the Commission further finds that the proposal meets Community Facilities Goal 2 because the relevant utilities have approved the proposal; and

**WHEREAS**, the Commission further finds that the proposal meets Community Facilities Goal 2 because the Louisville Water Company and Metropolitan Sewer District have approved the proposal; and

**WHEREAS**, the Commission further finds that the proposal meets Livability Goal 1 because karst features have been identified on and near the site but the proposal avoids these features, is not located in the floodplain, and meets the tree canopy requirements; and

**WHEREAS**, the Commission further finds that the proposal meets Housing Goal 1 because the proposed zoning district would increase the variety of housing types in the general vicinity and the proposed zoning district would permit housing options that support aging in place; and

**WHEREAS**, the Commission further finds that the proposal meets Housing Goal 2 because the proposed zoning district would permit inter-generational mixed-income development, the proposed development plan would introduce senior housing, and the subject site is located in proximity to Bardstown Road, and a shuttle service will be provided by the applicant to improve the mobility of the residents; and

**WHEREAS**, the Commission further finds that the proposal meets Housing Goal 3 because the proposed zoning district would encourage the provision of fair and affordable housing, the site is undeveloped and no existing residents will be displaced,

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and proposed zoning district would permit the use of innovative methods of housing; therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-4 to R-7 on property described in the attached legal description be **APPROVED**

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Peterson.**

**Detailed District Development Plan with Binding Elements**

On a motion by Commissioner Carlson, seconded by Commissioner Tomes, the following resolution, based on the Staff Report and testimony heard today and on August 15, 2019, was adopted:

**WHEREAS**, 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; and

**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; and

**WHEREAS**, open space requirements are being met. Recreational open space will be provided with amenities; and

**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; and

**WHEREAS**, the overall site design and land uses are compatible with the existing and future development of the area. The site is adjacent to an existing commercial activity center and will provide an appropriate transition between that commercial activity and the lower-density residential uses to the west; and

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

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

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

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- d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 15, 2019 Planning Commission public hearing. A copy of the approved rendering is 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.
8. The multi-family units shall be age restricted to 55 years of age and older to comply with the Fair Housing Act and the Housing for Older Persons Act.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Peterson.**

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**PUBLIC HEARING**

**CASE NO. 19ZONE1012**

***NOTE: The minutes for this case were voted on and approved at today's meeting to facilitate an immediate transmittal. The following are the minutes from this case that were approved.***

Request: Change in zoning from R-4 to R-5A, and Detailed District Development Plan with Binding Elements  
Project Name: Wesley Manor Rezoning  
Location: 5400 E Manslick Road  
Owner: Wesley Manor Retirement Community  
Applicant: Wesley Manor Retirement Community  
Representative: Dinsmore & Shohl  
Jurisdiction: Louisville Metro  
Council District: 24 – Madonna Flood

**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:**

This case was continued from the August 15, 2019 public hearing to allow Planning & Design to post a sign on the property. Dante St. Germain represented a summary of the request (see staff report and video for the PowerPoint presentation).

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

Cliff Ashburner, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Kentucky, 40207

Missy Legel, 3404 Stony Spring Circle, Louisville, Kentucky, 40220

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

Cliff Ashburner was here to answer questions only.

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

No one spoke.

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**Deliberation**

Commissioners discussed (see recording for detailed presentation).

Planning Commission 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.**

**Change in Zoning**

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Staff Report, applicant's findings of fact, and testimony heard today and on August 15, 2019, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds the proposal complies with the intent and applicable policies of the Community Form Plan Element. The subject Property is located in the Neighborhood Form District, which Plan 2040 states will "contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities." Here, the proposal is consistent with the Neighborhood Form District as it will allow for the construction of additional units within the existing Wesley Manor campus. Wesley Manor is a retirement community, meaning that the units will be occupied by the elderly or disabled. The proposed new construction will be consistent with the existing townhome-style units already part of the Wesley Manor campus and will be accessed through the existing campus; and

**WHEREAS**, the Commission also finds the proposal is also consistent with the pattern of development in the surrounding area. Indeed, the proposed development is merely the addition of residential units within the existing Wesley Manor campus, replacing the existing clubhouse and grounds with the proposed new residences and a new clubhouse. The proposed development will be designed to be consistent with the rest of the Wesley Manor residences in terms of scale and building materials; and

**WHEREAS**, the Commission also finds the proposal complies with the intent and applicable policies of the Mobility Plan Element. The subject property is located along E. Manslick Road but the residences will be accessed through the existing Wesley Manor campus, removing the existing driveway into the subject property; and

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**WHEREAS**, the Commission also finds yhe proposal complies with the intent and applicable policies of the Community Facilities Plan Element. The subject property is and will remain well served by the existing community facilities in the area. The subject property is adequately served by all utilities, including water and sewer; and

**WHEREAS**, the Commission also finds the proposal complies with the intent and applicable policies of the Economic Development Plan Element. The proposal will create 28 new senior housing units, expanding the capacity of Wesley Manor, a staple in the community; and

**WHEREAS**, the Commission also finds the proposal complies with the intent and applicable policies of the Livability Plan Element. The proposal will comply with the tree canopy and open space requirements of the LDC. The proposal will not have any material adverse impact on any natural features; and

**WHEREAS**, the Commission also finds the proposal complies with the intent and applicable policies of the Housing Plan Element. The proposal expands and ensures a diverse range of housing choices for seniors who desire to stay in their neighborhood but need a more accessible living arrangement; and

**WHEREAS**, the Commission also finds the proposal meets Community Form Goal 1 because the proposal is for medium-density multi-family zoning and is not a higher density or intensity zoning district and the proposal is similar in scale to an existing, adjacent use with the same zoning district; and

**WHEREAS**, the Commission also finds the proposal meets Community Form Goal 2 because the proposal is for a zoning district that would permit a new residential development; and

**WHEREAS**, the Commission also finds the proposal meets Community Form Goal 3 because no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; and

**WHEREAS**, the Commission also finds the proposal meets Community Form Goal 4 because the proposal does not propose to preserve the existing residence, which is not a historic structure or distinctive cultural feature and no historic assets are evident on the site; and

**WHEREAS**, the Commission also finds the proposal meets Mobility Goal 1 because the proposed zoning district is for medium-intensity multi-family and not for a higher density or intensity district; and



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**WHEREAS**, the Commission also finds the proposal meets Mobility Goal 2 because the proposed zoning district would allow development of a similar intensity to that which currently exists in the vicinity; and

**WHEREAS**, the Commission also finds the proposal meets Mobility Goal 3 because the proposed zoning district will allow the expansion of an existing development, allowing the residents to utilize the existing development's amenities, Transportation Planning has approved the proposal, and no direct residential access to E Manslick Road is proposed; and

**WHEREAS**, the Commission also finds the proposal meets Community Facilities Goal 2 because the relevant utilities, including Louisville Water Company and MSD, have approved the proposal; and

**WHEREAS**, the Commission also finds the proposal meets Livability Goal 1 because the existing tree canopy is being preserved to the greatest extent possible along the Gene Snyder Freeway buffer and between the buffer and the structures karst features are found on site but the development avoids these features, and the subject site is not located in the regulatory floodplain; and

**WHEREAS**, the Commission also finds the proposal meets Housing Goal 1 because the proposed zoning district would allow the applicant to increase the amount of multi-family housing in the neighborhood, increasing the variety of housing types available and the proposal supports housing for older adults and people with disabilities, and supports aging in place by connecting independent living units with a facility that also provides assisted living and memory care services; and

**WHEREAS**, the Commission also finds the proposal meets Housing Goal 2 because the proposed zoning district change would encourage an inter-generational and mixed-income development by increasing the provision of senior housing in the neighborhood and residents will be able to utilize the amenities of the existing development. Additionally, the site is relatively close to Preston Highway, a major commercial corridor; and

**WHEREAS**, the Commission also finds the proposal meets Housing Goal 3 because proposed zoning district change would permit the construction of multi-family housing, increasing the variety of ownership options and unit costs in dispersed locations throughout Louisville Metro and the proposal would allow construction of multi-family housing on the subject site; therefore be it

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**CASE NO. 19ZONE1012**

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-4 to R-5A on property described in the attached legal description be **APPROVED**

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Peterson.**

**Detailed District Development Plan**

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Staff Report and testimony heard today and on August 15, 2019, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds there do not appear to be any historic resources on the subject site. Karst features were discovered on the site. These are being avoided with the structures. Tree canopy is being preserved along the Gene Snyder Freeway buffer and between the buffer and the structures; and

**WHEREAS**, the Commission also 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 also finds there are no open space requirements pertinent to the current proposal. The development has a density of less than 5 units/acre; and

**WHEREAS**, the Commission also 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 also finds the overall site design and land uses are compatible with the existing and future development of the area. The density of the proposed development is similar to that allowed by single-family zoning; and

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

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. 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.
  - c. 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. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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- 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.
  - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 15, 2019 Planning Commission public hearing. A copy of the approved rendering is 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 Brown, Tomes, Lewis, Howard, Carlson, Daniels and Jarboe.**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Peterson.**

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**CASE NO. 19ZONE1013**

Request: Change in zoning from R-4 to R-5 with major preliminary subdivision plan  
Project Name: Cedar Brook Subdivision, Section 5  
Location: 8101 Cooper Chapel Road  
Owner: Select Homes, LLC & Action Real Estate, LLC  
Applicant: David Greenberg  
Representative: Dinsmore & Shohl, LLP  
Jurisdiction: Louisville Metro  
Council District: 22 – Robin Engel  
23 – James Peden

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

**Agency Testimony:**

01:48:56 Joel Dock discussed the case summary, standard of review and staff analysis from the staff report (see staff report and recording for detailed presentation). Mr. Dock noted the technical review items that have been added since the Land Development Transportation meeting.

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

Cliff Ashburner, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Kentucky, 40202

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

01:51:32 Cliff Ashburner, applicant presented Power Point slide show (see recording for detailed presentation). Mr. Ashburner detailed the area of the proposed subdivision, connections to this development from adjacent properties, and the updated development plan with landscape buffers. He stated Mike Hill is present for questions.

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

David M. Durbin, 9414 Cedar Creek Road, Louisville, Kentucky, 40228

Keith Recktenwald, 8204 Adams Run Road, Louisville, Kentucky, 40228

Kristie Graf, 12415 Old Henry Road, Louisville, Kentucky, 40223

**Summary of testimony of those in opposition**

01:48:47 David Durbin, adjacent property owner, asked why the codes and regulations weren't followed with at the beginning of this process. Mr. Dubin stated he is against the code change, unsure of entrances and exits of the subdivision, the decrease of his property value, and the possibility of trespassers on his property.

02:01:20 Keith Rechtenwald stated the smaller lot sizes allowed by the rezoning will decrease property values in the area and increase traffic. Mr. Rechtenwald presented signatures from neighbors who are opposed to this development (see recording for detailed presentation).

02:03:45 Kristie Graf, representing mother who is an adjacent property owner, stated she in opposition and voiced her concerns with the increase homes in the area will increase crime, traffic, and accidents.

**Rebuttal:**

02:05:56 Cliff Ashburner responded the plan presented today shows the appropriate 15 foot landscape buffering and is in compliance with land development code. Mr. Ashburner noted there have been neighborhood meetings to discuss community involvement of this subdivision development. (see recording for detailed presentation).

02:09:26 Travis Fiechter asked Mr. Ashburner discussed the 15 foot landscape buffer along the Kusch property line. They concluded the line in question on the development plan is the easement (see recording for detailed presentation).

**Deliberation**

02:10:56 Planning Commission deliberation (see recording for detailed presentation).

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**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

02:15:02 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the **Land Use & Development Goal 1: Community Form** because the proposed district is for lowdensity residential. It is not a high density use necessitating location near major transportation facilities, the proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as landscape buffers and tree canopy will be provided as no transitions are required and adjacent uses are for single-family use; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 2: Community Form** because an existing residential lot is being developed for residential purposes; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 3: Community Form** because the site does not appear to possess any significant concerns related to wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion. An intermittent stream is present and incorporated into the site design with detention and buffering; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 4: Community Form** because Preservation of distinctive cultural features including landscapes, natural elements and built features will be provided. An intermittent stream is present and incorporated into the site design with detention and buffering, the site does not appear to contain distinctive historic resources; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 1: Mobility** because the proposed district is for lowdensity residential. It is not a high density use necessitating location near major transportation or commercial facilities; and

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**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 2: Mobility** because Access to the site is obtained through areas of similar density; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 3: Mobility** because the proposed district is for lowdensity residential between exiting residential developments. It is not a high density use necessitating location near major transportation or commercial facilities, Existing roadway infrastructure is adequate to support the proposed density, the development will bear or share in rough proportionality the costs of transportation facilities and ser-vices made necessary by development, Improvements to the public transportation system will be made by the developer or in the future by KYTC. The proposal will entail rightof-way dedication and a fee-in-lieu for sidewalk constriction. KYTC has plans for modification and additional connectivity abutting the subject property, Necessary improvements will occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel. The proposal will entail rightof-way dedication and a fee-in-lieu for sidewalk constriction. KYTC has plans for modification and additional connectivity abutting the subject property, Necessary improvements will occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel. The proposal will entail rightof-way dedication and a fee-in-lieu for sidewalk constriction. KYTC has plans for modification and additional connectivity abutting the subject property, no direct access to high speed roadways is provided. Cooper Chapel is a collector level roadway and provides access to the subdivision; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 2: Community Facilities** because The proposal is located in an area served by existing utilities or planned for utilities as evidenced by adjacent development, The proposal would appear to have access to an adequate supply of potable water and water for firefighting purposes as evidenced by adjacent development, The development will have adequate means of sewage treatment and disposal to protect public health and to protect water quality; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 1: Livability** because the development recognizes and incorporates the unique characteristics of identified general landscape types. Tree canopy and intermittent stream preservation will be provided on the subject property, No Karst features were identified during a site visit conducted by the applicant's land engineer on 4/24/19, MSD has provided preliminary plan approval to minimize impact to the integrity of the regulatory floodplain; and



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**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 1: Housing** because the proposal incorporates a smaller lotting pattern to a homogenous R-4 area to allow for a variety of options, The proposal incorporates a smaller lotting pattern into a homogenous R4 area to allow for a variety of options. It may allow for a more convenient lotting pattern for individuals aging in place to afford the maintenance costs; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 2: Housing** because The proposal incorporates a smaller lotting pattern to a homogenous R-4 area to allow for a variety of options which adds an additional option for mixed-income in the area, the proposed district is located in a homogenous R-4 area and has little impact overall as the site could be developed for slightly fewer lots in the R-4 district; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 3: Housing** because the proposal incorporates a smaller lotting pattern to a homogenous R-4 area to allow for a variety of options, The proposed district replaces a single home with many homes, the incorporation of this district in the area breaks up the homogeneity of the area; thus, allowing for a new variety of housing options; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** the Change in zoning from R-4 to R-5, single family residential.

**The vote was as follows:**

**YES: Commissioners Tomes, Daniels, Brown, Howard, Carlson, and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Smith, Lewis, and Peterson**

**Detailed District Development Plan**

02:15:56 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on Plan 2040 Staff Analysis and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided as the preservation of distinctive cultural features including

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landscapes, natural elements and built features will be provided. An intermittent stream is present and incorporated into the site design with detention and buffering; and

**WHEREAS**, the Louisville Metro Planning Commission further finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as public sidewalks are provided where required and connectivity to adjacent subdivisions and future roadway corridors is providers; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the subject site provides open space for tree canopy and intermittent stream preservation; and

**WHEREAS**, the Louisville Metro Planning 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 Louisville Metro Planning Commission further finds the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as it is for single-family residential development; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposed development plan conforms to Plan 2040. The proposal incorporates a smaller lotting pattern into a homogenous R-4 area to allow for a variety of options. Preservation of distinctive cultural features including landscapes, natural elements and built features will be provided. An intermittent stream is present and incorporated into the site design with detention and buffering. The site does not appear to contain distinctive cultural features. Existing roadway infrastructure is adequate to support the proposed density; now, therefore it be

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the District Development/Revised Preliminary Subdivision Plan subject to the abandonment of existing conditions of approval in case 17SUBDIV1016 and adoption of the proposed 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

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submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - 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. A minor subdivision plat or legal instrument shall be recorded dedicating additional rightof-way as shown on the approved 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.
  - e. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
  - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
3. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties 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

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development of the site, shall be responsible for compliance with these binding elements.

5. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
6. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
7. 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.
8. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
9. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
  2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
  3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
10. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The

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subdivision performance bond may be required by the planning Commission to fulfill this funding requirement

**The vote was as follows:**

**YES: Commissioners Tomes, Daniels, Brown, Howard, Carlson, and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Smith, Lewis, and Peterson**

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**CASE NO. 19STREETS1004**

Request:	Closure of Public Right-of-Way
Project Name:	Stoneware Alley Closure
Location:	731 Brent St
Owner:	Louisville Metro
Applicant:	PPT1, LLC
Representative:	Sabak, Wilson and Lingo
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith

**Case Manager:**                    **Jay Lockett, AICP, Planner I**

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

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

**Agency Testimony:**

02:17:38     Jay Lockett presented the case via Power Point slide show summary (see staff report and recording for detailed presentation).

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

Kelly Jones, 608 S. 3<sup>rd</sup> Street, Louisville, Kentucky, 40202

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

02:19:41     Kelly Jones, applicant, stated the alley closure is to provide access to the back of the restaurant for dumpsters (see recording for detailed presentation).

**Deliberation**

02:20:18     Planning Commission deliberation (see recording for detailed presentation).

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**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

02:20:45 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Staff Report and testimony heard today, was adopted:

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

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

**WHEREAS**, the Louisville Metro Planning Commission further finds the request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; Mobility Goal 3, Policy 1 states to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize singleoccupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers; Mobility Goal 3, Policy 3 to evaluate developments for their ability

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to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices; Mobility Goal 3, Policy 5 to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality; and Mobility Goal 3, Policy 12 states to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent lands maintain access to public infrastructure and utility services will continue to be provided to these lands; and

**WHEREAS**, the Louisville Metro Planning Commission further finds There are no other relevant matters to be considered by the Planning Commission; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the Closure of Public Right-Of-Way be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Tomes, Brown, Howard, Carlson, and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Daniels, Lewis, Smith, and Peterson**



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**CASE NO. 19STREETS1005**

Request:	Closure of Public Right-of-Way
Project Name:	Hycliffe Ave Alley Closure
Location:	4106 Hycliffe Ave
Owner:	St. Matthews
Applicant:	KENLIE, LLC.
Representative:	Willmoth International, PSC.
Jurisdiction:	St. Matthews
Council District:	26 – Brent Ackerson

**Case Manager:**                    **Jay Lockett, AICP, Planner I**

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

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

**Agency Testimony:**

02:21:35     Jay Lockett presented the case via Power Point slide show (see staff report and recording for detailed presentation).

00:00:00     Commissioner Howard asked for clarification of adjacent property owner names. Jay Lockett indicated on the plat the location of the names of the applicant and adjacent property owner.

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

Mark Willmoth, 205 S. Birchwood Avenue, Louisville, Kentucky, 40206

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

02:24:27     Mark Willmoth detailed history of the alley and stated he is present for questions (see recording for detailed presentation).

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

No one spoke.

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**Deliberation**

02:25:43 Commissioner 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.**

02:26:26 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the Staff Report and testimony heard today, was adopted:

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

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

**WHEREAS**, the Louisville Metro Planning Commission further finds the request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; Mobility Goal 3, Policy 1 states to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize singleoccupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of St. Matthews that the Closure of Public Right-Of-Way be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Tomes, Daniels, Brown, Howard, Carlson, and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lewis, Smith, and Peterson**

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**CASE NO. 19STREETS1006**

Request: Closure of Public Right-of-Way  
Project Name: 922 Mason Alley  
Location: Alley south of 922-930 Mason Ave  
Owner: Louisville Metro  
Applicant: 922 Mason, LLC  
Representative: AL Engineering, Inc.  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith

**Case Manager: Jay Lockett, AICP, Planner I**

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

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

**Agency Testimony:**

02:27:55 Jay Lockett presented the case via Power Point slide show (see staff report and recording for detailed presentation).

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

Alex Rosenberg, 13000 Middletown Ind. Boulevard, Suite A, Louisville, Kentucky, 40223

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

02:29:48 Alex Rosenberg, applicant, stated he is present to answer questions.

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

No one spoke

**The following spoke in neither for nor against this request:**

Steve Corwin, 1206 Everett Avenue, Louisville, Kentucky, 40204

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**Summary of testimony of those neither for nor against:**

02:30:17 Steve Corwin, adjacent property owner, asked why they will need to close this alley. Steve Rosenberg replied this alley serves no purpose and he would like to consolidate the connecting properties. Steve Corwin noted that in the record there were no statement of the consolidation and the closure would inhibit the access to his own property as previous owners have denied him use of the alley. Mr. Corwin detailed the area of the proposed alley closure and how this would affect future development of his property (see recording for detailed presentation).

02:33:40 Commissioners, Mr. Corwin, Travis Fiechter, and Joe Reverman discussed the regulations regarding the portion of the alley closure given to abutting property owners (see recording for detailed presentation).

02:37:18 Commissioners, Steve Corwin, Jay Lockett, Alex Rosenberg and Joe Reverman discussed utility easement agreements for the alley (see recording for detailed presentation).

**Rebuttal:**

02:42:01 Alex Rosenberg read plat note #3 "All lots abutting the R.O.W being closed, shall be consolidated with respective portions of this street closure." Mr. Rosenberg stated after the plat is recorded is when lots can be consolidated.

**Deliberation**

02:42:49 Commissioner 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.**

02:46:07 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the staff report, evidence, and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission further finds adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or

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services as utility agencies have coordinated with the applicant and/or applicant's representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property; and

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

**WHEREAS**, the Louisville Metro Planning Commission further finds the request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; Mobility Goal 3, Policy 1 states to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers; Mobility Goal 3, Policy 3 to evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices; Mobility Goal 3, Policy 5 to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality; and Mobility Goal 3, Policy 12 states to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to

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serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent lands maintain access to public infrastructure and utility services will continue to be provided to these lands; and

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Louisville Metro Council that the Closure of Public Right-Of-Way be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Tomes, Daniels, Brown, Howard, Carlson, and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lewis, Smith, and Peterson**

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**CASE NO. 19ZONE1030 & 19-DDP-0031**

Request: Change in zoning from OR-3 to C-2 with variance and detailed plan, and Revised General District/Detailed District Development Plan (19-DDP-0031)

Project Name: Mallard Crossing

Location: 400 & 1000 Mallard Creek Road

Owner: LC Mallard Creek, LLC

Applicant: LC Mallard Creek, LLC

Representative: Frost Brown Todd, LLC

Jurisdiction: City of St. Matthews

Council District: 26 – Brent Ackerson

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

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:**

02:47:27 Joel Dock presented the case via Power Point slide show (see recording for detailed presentation).

02:54:31 Commissioner Howard asked the statement in difference in interpretation of zoning change do they have different land development in St. Matthews? Mr. Dock replied St. Matthews does have different development codes as their city goes by the 2003 development code (see recording for detailed presentation).

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

Tanner Nichols, 400 West Market Street, Suite 3200, Louisville, Kentucky, 40202

Jode Ballard, 230 West Street, Suite #200, Columbus, Ohio, 43215

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

02:59:58 Tanner Nichols, presenting on behalf of applicant, presented a Power Point slide show (see recording for detailed presentation). Mr. Nichols detailed the improvements in the setbacks, the new revised district development plans, and new binding elements.



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03:03:54 Commissioner Carlson and Tanner Nichols discussed binding element modifications for materials (see recording for detailed presentation).

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

Kristine Larson, 406 Mallard Creek Road, Louisville, Kentucky, 40207

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

03:04:58 Kristine Larson, resident of Mallard Creek, stated she would like to postpone this request until other problems with the site is resolved. Ms. Larson notes she not notified of this meeting nor of the previous meeting for this development. There is insufficient parking in the neighborhood and the addition of more commercial businesses would make this worse.

03:12:12 Commissioner Jarboe asked Joel Dock to detail the process of notification of zoning change request. Mr. Dock stated the process of notification to residents via mail, posted signs, and the newspaper (see recording for detailed presentation). Ms. Larson and Commissioners discussed zoning change notifications.

**Rebuttal**

03:20:05 Tanner Nichols detailed how the facades and new structures will be the same at the existing structures via Power Point (see recording for detailed presentation).

03:21:09 Jode Ballard noted comments made by residents are heard and what is presented today are upgrades to improve the areas amenities (see recording for detailed presentation).

03:24:48 Commissioner Howard asked where the additional parking will be located for this development. Jode Ballard detailed the new parking spaces via the site development plan, there will be 12 new spaces available (see recording for detailed presentation).

**Deliberation**

03:27:02 Planning Commission deliberation (see recording for detailed presentation).

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**Change-in-Zoning from OR-3, Office-Residential to C-2, Commercial**

03:33:37 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on Plan 2040 Staff Analysis, evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the **Land Use & Development Goal 1: Community Form** because The proposed commercial zoning district is located amongst an office-residential zoning district in the regional center form district. While the district is being located within an existing residential area, the district does not result in the displacement of residents or housing opportunities, the site is located with convenient access to an arterial roadway having pedestrian and transit options, and sufficient parking can be expected. It can also be expected that the district will attract a local population. The district is situated to produce noise abutting a roadway and reuse existing facilities. The form calls for development of high intensity uses and medium to highdensity residential uses, as well as encouraging redevelopment and site accessibility from multiple modes of transportation, The proposed district is located with convenient access to major transportation facilities and transit corridors, and employment and activity centers as the district is located near Bowling Blvd, Mall St. Matthews, Shelbyville Road, health care facilities, and other goods and service providers, as well as being amongst medium to high-density residential development where demand and adequate infrastructure exists or is planned, The proposed district does not allow uses which pose significant nuisances as they relate to the transport of noxious odors, particulates and emissions. The use of the property within this district may be further limited to many uses such as auto sales or car washes due to the historic structure on site, Mallard Creek Road which provides immediate access to the proposed district provides limited local access to the current the residential community the sprawls east and west of this road without connection to other local roadways; thus, traffic impacts will be mitigated by the convenient proximity of Bowling Blvd, an arterial roadway, The district is situated to produce noise abutting a roadway. Noise is expected to project towards the roadway. Any mitigation for noise associated with the specifically proposed use should be addressed as needed during development; and

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**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 2: Community Form** because the proposed commercial zoning district is located amongst an office-residential zoning district in the regional center form district. The form calls for development of high intensity uses and medium to high-density residential uses, as well as encouraging redevelopment and site accessibility from multiple modes of transportation. The density permitted within the proposed district is consistent with the intent of the form. The design of the subject property will utilize existing infrastructure which is sufficient to support the district, The proposed commercial zoning district is located in an area which supports high density residential development and within proximity to a wide variety of commercial, office, and healthcare centers that support local and regional populations, The proposed district reuses exiting historic structure and does not result in residential displacement. It provides a more compact development pattern that result in an efficient land use and cost-effective infrastructure investment, The proposed district adds to the diversity within the existing mixture of activities of the form district. A mixture of uses promotes fewer trips, supports and enhances alternative modes of travel, and encourages vitality and a sense of place, The proposed district provides supportive services to the existing residential population and the regional center, The proposed district encourages the continued reuse of existing facilities for commercial, office, and/or residential uses; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 3: Community Form** because The proposed district does not result in the removal of significant natural features as the historic structures and many large trees are being retained, The proposed district is located outside the 100-yr floodplain on a previously developed site resulting in limited environmental degradation, The proposed district is located outside the 100-yr floodplain on a previously developed site resulting in limited environmental degradation. Louisville MSD will approve all construction plans for the redevelopment of the subject in accordance with applicable policies; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 4: Community Form** because The proposed district does not result in the removal of significant natural or historic features as the historic structures and many large trees are being retained, The proposed district does not result in the removal of significant natural or historic features as the historic structures and many large trees are being retained; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 1: Mobility** because The proposed commercial zoning district is located amongst an office-residential zoning district in the

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regional center form district. The form calls for development of high intensity uses and medium to high-density residential uses, as well as encouraging redevelopment and site accessibility from multiple modes of transportation. The subject site is well-connected to multi-modal options, healthcare services, commercial/office services, and employment opportunities within the area or accessible via public transportation or the pedestrian network; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 3: Mobility** because The proposed district is well-connected to multi-modal options, healthcare services, commercial/office services, and employment opportunities within the area or accessible via public transportation or the pedestrian network, , The proposal will bear or share in rough proportionality the costs of transportation facilities and services made necessary by development, Existing transportation facilities and services are adequate an improvements will be made as required by public agencies and the City of St. Matthews, Plans for connectivity and roadways as indicated within the dockets of the rezonings on the subject site appear to have been made in accordance with the plans; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 2: Community Facilities** because The proposed district will be served by existing or planned utilities, The proposed district will be served by an adequate supply of potable water and water for fire-fighting purposes, MSD preliminary approval has been received. The development has adequate means of sewage treatment and disposal to protect public health and to protect water quality; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 1: Economic Development** because the proposed district is located with convenient access to major transportation facilities and transit corridors, and employment and activity centers as the district is located near Bowling Blvd, Mall St. Matthews, Shelbyville Road, health care facilities, and other goods and service providers, as well as being amongst medium to high-density residential development where demand and adequate infrastructure exists or is planned. Interstate access is available within close proximity to the subject site at Breckenridge Lane and Shelbyville Road; and

**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 1: Livability** because the proposed district is being located on a previously developed site. Site susceptibility to erosion or other natural features will be addressed during site construction, the project is located outside the limits of the 100-yr floodplain. All development will occur in accordance with applicable policies of the Louisville MSD; and

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**WHEREAS**, the Louisville Metro Planning Commission further finds that the proposal meets the **Land Use & Development Goal 3: Housing** because no residents will be displaced by the proposed district; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of St. Matthews that the Change-in-Zoning from OR-3, Office Residential to C-2, Commercial on property described in the attached legal description be **APPROVED**

**The vote was as follows:**

**YES: Commissioners Daniels, Brown, Tomes, Carlson, and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lewis, Smith, and Peterson**

**Variance from Development Code, section 6.4.2.C.e to omit the required yards between the OR-3 and C-2 zoning district**

03:34:26 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the staff report, evidence, and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds the requested variance will not adversely affect public health, safety, or welfare as the majority of the conditions requiring the variance are present and the requested relief does not change the current impact of improvements. A dumpster enclosure will encroach and will be screened as required; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the requested variance will not alter the essential character of the general vicinity as the majority of the conditions requiring the variance are present; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the requested variance will not cause a hazard or nuisance to the public as the majority of the conditions requiring the variance are present and the public is not impacted; and

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**WHEREAS**, the Louisville Metro Planning Commission further finds the requested variance will not allow an unreasonable circumvention of zoning regulations as no property lines are being proposed; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as no property lines are being proposed; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as no property lines are proposed and the development will act as an integrated mixed-use development open to the public and residents of the residential community; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the site has not been developed and relief is being sought; now, therefore it be

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the **Variance** from Development Code, section 6.4.2.C.e to omit the required yards between the OR-3 and C-2 zoning district

**The vote was as follows:**

**YES: Commissioners Daniels, Brown, Tomes, Carlson, and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lewis, Smith, and Peterson**

**Revised General & Detailed District Development Plan (19-DDP-0031)**

03:35:18 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on the evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and

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historic sites will be provided as the historic structures on site will be incorporated in a manner that does not disturb the integrity of the already rehabilitated and developed structures. The development is proposed in a manner that utilizes exiting impervious surfaces and does not significantly impact existing green space; and

**WHEREAS**, the Louisville Metro Planning Commission further finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as walks are provided throughout the existing community to support pedestrian interaction amongst the residents and connectivity to public ways. A public sidewalk on the west side of Mallard Creek Road provides connectivity to TARC services; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the subject site immediately abuts a public park with walking trails and recreational amenities. Open space and recreational areas within the development site are also provided; including a pool, clubhouse, restaurant, fitness center, and volleyball; and

**WHEREAS**, the Louisville Metro Planning 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 Louisville Metro Planning Commission further finds the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the redevelopment of the site is occurring within the context of the existing development and utilizes existing impervious surfaces; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposed development plan conforms to Plan 2040. The site is located with convenient access to an arterial roadway having pedestrian and transit options and sufficient parking can be expected. The form calls for development of high intensity uses and medium to high-density residential uses, as well as encouraging redevelopment and site accessibility from multiple modes of transportation. The development is located in an area which supports high density residential development and within proximity to a wide variety of commercial, office, and healthcare centers that support local and regional populations. The proposal will reuse an existing historic structure and does not result in residential displacement. It provides a more compact development pattern that result in an efficient land use and cost-effective infrastructure investment. The proposed district is located outside the 100-yr floodplain on a previously developed site resulting in limited environmental degradation; now, therefore it be

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**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of St. Matthews that the Revised General & Detailed District Development Plan of docket 19-DDP-0031 be **APPROVED** subject to the abandonment of existing binding elements of dockets 9-33-77, 9-44-85, & 9-30-87 within the development site and adoption of the proposed binding elements

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



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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
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The existing historic structure labeled as 'existing clubhouse' on the approved detailed district development plan shall remain an integral part of this development. Any additions or exterior alterations to this structure or the smokehouse nearby shall not disturb the integrity of the historic home. Prior to the demolition of any portion of the existing clubhouse or accessory portions shown as to be removed, the developer shall provide documentation to Historic Preservation staff with the Office of Planning and Design Services indicating that contributing portions of the historic structure are not significantly disturbed. Historic preservation staff shall also be consulted prior to requesting building permits to ensure that the integrity and character of the structure remains intact.
8. Residential building facades shall be made of brick or natural stone or curtainwall glass **or composite material**. The building may be trimmed in materials that are compatible with the design. Concrete block shall not be permitted. Wood may be used on the exterior construction of balconies and gables, or for trim only.

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9. The size and location of any proposed free-standing signs must be approved by the City of St Matthews. The City of St. Matthews may require the signs to be smaller than would be otherwise permitted by the Zoning District Regulations.
  
10. Access to Mallard Creek Road will be constructed as shown on the detailed district development plans approved for each site and shall require approval by the City Engineer for the City of St. Matthews.

**The vote was as follows:**

**YES: Commissioners Daniels, Brown, Tomes, Carlson, and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lewis, Smith, and Peterson**

**Revised Detailed District Development Plan**

05:26:43 On a motion by Commissioner Brown, seconded by Commissioner Lewis, the following resolution, based on the evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided as the historic structures on site will be incorporated in a manner that does not disturb the integrity of the already rehabilitated and developed structures; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as safe pedestrian connectivity to public ways and transit services will be provided; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the subject site immediately abuts a public park with walking trails and recreational amenities. Open space and recreational areas within the development site are also provided; including a pool, clubhouse, restaurant, fitness center, and volleyball; and

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**WHEREAS**, the Louisville Metro Planning 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 Louisville Metro Planning Commission further finds the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the redevelopment of the site is occurring within the context of the existing development; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposed development plan conforms to Plan 2040. The site is located with convenient access to an arterial roadway having pedestrian and transit options and sufficient parking can be expected. The form calls for development of high intensity uses and medium to high-density residential uses, as well as encouraging redevelopment and site accessibility from multiple modes of transportation. The development is located in an area which supports high density residential development and within proximity to a wide variety of commercial, office, and healthcare centers that support local and regional populations. The proposal will reuse an existing historic structure and does not result in residential displacement. It provides a more compact development pattern that result in an efficient land use and cost-effective infrastructure investment. The proposed district is located outside the 100-yr floodplain on a previously developed site resulting in limited environmental degradation; now, therefore it be

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of St. Matthews that the Revised Detailed District Development Plan be **APPROVED or DENIED** subject to proposed binding elements

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

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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. 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. 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.

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7. The existing historic structure labeled as 'existing clubhouse' on the approved detailed district development plan shall remain an integral part of this development. Any additions or exterior alterations to this structure or the smokehouse nearby shall not disturb the integrity of the historic home. Prior to the demolition of any portion of the existing clubhouse or accessory portions shown as to be removed, the developer shall provide documentation to Historic Preservation staff with the Office of Planning and Design Services indicating that contributing portions of the historic structure are not significantly disturbed. Historic preservation staff shall also be consulted prior to requesting building permits to ensure that the integrity and character of the structure remains intact.
  
8. **Materials and design shall be substantially similar to those presented at the Planning Commission public hearing on August 29, 2019.**

**The vote was as follows:**

**YES: Commissioners Daniels, Brown, Tomes, Carlson, and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lewis, Smith, and Peterson**

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**Discussion**

**Carvana Deed Restriction Amendment**  
**Deed Book: 4444    Page Number: 311**

03:41:02    Prior to adjournment, Joe Reverman, Cliff Ashburner, Planning Commission, and Attorney Travis Feichter reviewed to amend deed restrictions to the Carvana property as discussed in the previous Planning Commission meeting on August 15, 2019. Joe Reverman presented a paper copy of the request from Cliff Ashburner and Carvana to the Planning Commission to remove this property from the Declaration of Restrictions, Plainview Subdivision, Section 2A-1. (see recording for detailed presentation). Cliff Ashburner detailed the history of the deed and plat recorded in 1971. Mr. Ashburner presented paper copies to Commissioners detailing property lines and the companies associated with the deed of restrictions (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.**

04:04:39    On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **AUTHORIZE** Chairman Vince Jarboe to sign the release of the deed restrictions for the Plainview Subdivision, Section 2A-1

**The vote was as follows:**

**YES: Commissioners Tomes, Brown, Daniels, Howard, and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lewis, Smith and Peterson**

**PLANNING COMMISSION MINUTES**  
**August 29, 2019**

**STANDING COMMITTEE REPORTS**

**Land Development and Transportation Committee**

No report given.

**Site Inspection Committee**

No report given.

**Planning Committee**

No report given.

**Development Review Committee**

No report given.

**Policy and Procedures Committee**

No report given.

**CHAIRPERSON/DIRECTOR'S REPORT**

No report given.

**ADJOURNMENT**

The meeting adjourned at approximately 5:13 p.m.

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**Chair**

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**Planning Director**