

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
December 21, 2017**

A meeting of the Louisville Metro Planning Commission was held on December 21, 2017 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Commission members present:**

Vince Jarboe – Chair  
Marilyn Lewis – Vice Chair  
Jeff Brown  
Lula Howard  
Laura Ferguson  
Emma Smith  
Rich Carlson  
Rob Peterson

**Commission members absent:**

Ramona Lindsey  
David Tomes

**Staff Members present:**

Emily Liu, Director, Planning and Design Services  
Joseph Reverman, Assistant Director, Planning and Design Services  
Brian Davis, Planning and Design Manager  
Julia Williams, Planning and Design Supervisor  
Laura Mattingly, AICP, Planner II  
Jay Lockett, Planner I  
Ross Allen, Planner I  
Paul Whitty, Legal Counsel  
Travis Fiechter, Legal Counsel  
Pamela M. Brashear, Management Assistant

The following matters were considered:

**PLANNING COMMISSION MINUTES**  
**December 21, 2017**

**APPROVAL OF MINUTES**

**NOVEMBER 29, 2017 PLANNING COMMISSION NIGHT HEARING MEETING MINUTES**

On a motion by Commissioner Howard, seconded by Commissioner Lewis, the following resolution was adopted.

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on November 29, 2017.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Peterson, Smith and Jarboe**

**NOT PRESENT FOR THIS CASE: Commissioners Lindsey and Tomes**

**DECEMBER 7, 2017 PLANNING COMMISSION REGULAR MEETING MINUTES**

On a motion by Commissioner Howard, seconded by Commissioner Lewis, the following resolution was adopted.

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on December 7, 2017.

**The vote was as follows:**

**YES: Commissioners Brown, Ferguson, Howard, Lewis, Smith and Jarboe**

**NOT PRESENT FOR THIS CASE: Commissioners Lindsey and Tomes**

**ABSTAINING: Commissioners Carlson and Peterson**

**DECEMBER 20, 2017 DRC REGULAR MEETING MINUTES**

On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted.

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on December 6, 2017.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson and Smith**

**NOT PRESENT FOR THIS CASE: Commissioners Lindsey and Tomes**

**ABSTAINING: Commissioners Howard, Lewis, Peterson and Jarboe**

**PLANNING COMMISSION MINUTES**  
**December 21, 2017**

**CONSENT AGENDA**

**CASE NO. 17STREETS1024**

Request: Closure of Public Right of Way  
Project Name: 1<sup>st</sup> Street  
Location: 1<sup>st</sup> Street at Electron Drive  
Owner: Jeffersontown

Applicant: Blue Cadillac, LLC  
G. Jesse Flynn  
P.O. Box 99738  
Louisville, Ky. 40269

Representative: Scott Corrick  
Mindel Scott and Associates  
5151 Jefferson Boulevard  
Louisville, Ky. 40219

Jurisdiction: Jeffersontown  
Council District: 11 – Kevin Kramer  
**Case Manager: Jay Lockett, Planner I**

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.)

**Discussion**

00:13:40 Mr. Lockett stated that the main issue for this case is a non-active cemetery. In the future the applicant will adhere to the Land Development Code requirements regarding the cemetery, but for now requests a recommendation for approval from the city of Jeffersontown.

**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.**

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the city of Jeffersontown **APPROVE** the closure of the public right-of-way.

**PLANNING COMMISSION MINUTES**  
**December 21, 2017**

**CONSENT AGENDA**

**CASE NO. 17STREETS1024**

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Peterson, Smith  
and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Tomes**

**PLANNING COMMISSION MINUTES**  
**December 21, 2017**

**BUSINESS SESSION**

**CASE NO. 17MOD1011**

Request: Binding Element Modification  
Project Name: Mango's Event Space  
Location: 4600 Hendrick Drive  
Owner: Hendrick Properties, LLC  
Applicant: Spink General Contracting  
Representative: Spink General Contracting  
Jurisdiction: Louisville Metro  
Council District: 11 – Kevin Kramer  
**Case Manager: Jay Lockett, Planner I**  
**Presented by: Davis, Brian, AICP, Planning Manager and  
Julia Williams, RLA, AICP, Planning Supervisor**

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.)

**Discussion**

00:17:45 Mr. Davis stated, "Yesterday at DRC we did not have a quorum so Commissioners Brown and Carlson acted as Public Hearing Officers. We took testimony on all the cases, forwarded them here today and they will let you know what they are recommending and hopefully achieve a vote on each item."

Mr. Davis and Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

00:22:47 Chair Jarboe recommends postponing this case to the January 3, 2018 DRC meeting. The applicant needs to be present to answer questions.

**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.**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the January 3, 2018 DRC meeting.

**The vote was as follows:**

**PLANNING COMMISSION MINUTES**  
**December 21, 2017**

**BUSINESS SESSION**

**CASE NO. 17MOD1011**

**YES: Commissioners Brown, Carlson, Ferguson, Lewis, Peterson, Smith and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Tomes**

**ABSTAINING: Commissioner Howard**

**PLANNING COMMISSION MINUTES**  
**December 21, 2017**

**BUSINESS SESSION**

**CASE NO. 17WAIVER1039**

Request: Waiver to allow an LED to exceed maximum area of a sign  
Project Name: John Paul II Academy  
Location: 3525 Goldsmith Lane

Owner: Roman Catholic Bishop of Louisville  
Robert L. Ash – CFO  
3940 Poplar Level Road  
Louisville, Ky. 40213

Applicant: Smart LED Signs and Lighting  
Karla Hill  
11441 Blankenbaker Access Drive  
Louisville, Ky. 40299

Representative: Smart LED Signs and Lighting  
Karla Hill  
11441 Blankenbaker Access Drive  
Louisville, Ky. 40299

Jurisdiction: Louisville Metro  
Council District: 26 – Brent Ackerson  
**Case Manager: Jay Luckett, Planner I**  
**Presented by: Brian Davis, AICP, Planning Manager**

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.)

**Discussion**

00:28:30 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

00:29:51 Commissioner Brown reported, "This form district allows a larger sign. If they went with the maximum sign size and with 30% of it being a changing image sign, they would be within the Land Development Code. They chose to go with the smaller sign which meant it was a larger percentage overall."

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

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

**CASE NO. 17WAIVER1039**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

**WHEREAS**, the waiver will not adversely affect adjacent property owners, as the applicant could install a significantly larger sign without the need for a waiver; and

**WHEREAS**, the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 9 calls for the protection of the character of residential areas, roadways, and public spaces from visual intrusions and to mitigate where appropriate. Guideline 3, Policy 28 recommends signage that is compatible with the form district pattern and contributes to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot developments, minimize the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials). The signage is compatible with similar signs that are common to institutional and religious uses in the area. The applicant could install a larger sign with a larger changing image area on the site and not need the requested waiver under current LDC standards; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the waiver is the minimum necessary to afford relief to the applicant, as the overall size of the sign is less than could be installed on the site without a waiver; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the applicant would have to install a larger sign than they wish in order to make the messages adequately readable.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver of the Land Development Code section 8.2.1.D.4.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Peterson, Smith and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Tomes**



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

**CASE NO. 17WAIVER1040**

Request: Waiver to allow an LED to exceed maximum area of a sign and be closer than 300 feet to residences

Project Name: St. John Paul II Parish

Location: 3042 Hikes Lane

Owner: Roman Catholic Bishop of Louisville  
Robert L. Ash – CFO  
3940 Poplar Level Road  
Louisville, Ky. 40213

Applicant: Smart LED Signs and Lighting  
Karla Hill  
11441 Blankenbaker Access Drive  
Louisville, Ky. 40299

Representative: Smart LED Signs and Lighting  
Karla Hill  
11441 Blankenbaker Access Drive  
Louisville, Ky. 40299

Jurisdiction: Louisville Metro

Council District: 26 – Brent Ackerson

**Case Manager: Jay Luckett, Planner I**

**Presented by: Brian Davis, AICP, Planning Manager**

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.)

**Discussion**

00:32:35 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

00:34:15 Commissioner Brown said this case is similar to the previous case. This is an arterial road which would allow a larger sign and LED area. "This sign is less disruptive than the already existing traffic on that roadway."

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

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

**CASE NO. 17WAIVER1040**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

**Waiver of LDC section 8.2.1.D.4.a**

**WHEREAS**, the waiver will not adversely affect adjacent property owners, as the applicant could install a significantly larger sign without the need for a waiver; and

**WHEREAS**, the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 9 calls for the protection of the character of residential areas, roadways, and public spaces from visual intrusions and to mitigate where appropriate. Guideline 3, Policy 28 recommends signage that is compatible with the form district pattern and contributes to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot developments, minimize the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials). The signage is compatible with similar signs that are common to institutional and religious uses in the area. The applicant could install a larger sign with a larger changing image area on the site and not need the requested waiver under current LDC standards; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the waiver is the minimum necessary to afford relief to the applicant, as the overall size of the sign is less than could be installed on the site without a waiver; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the applicant would have to install a larger sign than they wish in order to make the messages adequately readable.

**Waiver of LDC section 8.2.1.D.6**

**WHEREAS**, the waiver will not adversely affect adjacent property owners, as the affected properties are on the opposite side of a minor arterial level roadway, and the sign will not face any of them directly; and

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**BUSINESS SESSION**

**CASE NO. 17WAIVER1040**

**WHEREAS**, the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 9 calls for the protection of the character of residential areas, roadways, and public spaces from visual intrusions and to mitigate where appropriate. Guideline 3, Policy 28 recommends signage that is compatible with the form district pattern and contributes to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot developments, minimize the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials). The road class would allow for a much larger illuminated sign without a changing image portion. The proposed sign is smaller in size to reduce impact on neighboring properties; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the waiver is the minimum necessary to afford relief to the applicant, as the sign is significantly smaller than the maximum allowable under the LDC; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as their proximity to homes would not allow them to install a standard modern display sign common to similar uses in the area.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** a waiver of Land Development Code section 8.2.1.D.4.a to allow a changing image sign area to exceed 30% of the total area for a total of 48.5% of a freestanding sign within the Neighborhood Form District and a waiver of Land Development Code section 8.2.1.D.6 to allow a changing image sign within 300 feet of a residentially zoned and residentially used property.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Peterson, Smith and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Tomes**

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

**CASE NO. 17DEVPLAN1144**

Request: A Category 3 Review of an existing 1,764 square foot building expansion on a corner lot on a C-1 zoned parcel within the Portland Neighborhood.

Project Name: 3416 Bank Street  
Location: 3416 Bank Street  
Owner: Tim Leister  
Applicant: Renaissance Design Build  
Representative: Bill Fischer – Classic Buildings  
Jurisdiction: Louisville Metro  
Council District: 5 – Cheri Bryant Hamilton  
**Case Manager: Ross Allen, Planner I**  
**Presented by: Brian Davis, AICP, Planning Manager**

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.)

**Discussion**

00:36:52 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

00:39:00 Commissioner Brown remarked, “We agreed the plan is o.k. to proceed with the approval while they resolve the technical issues (notes and labels on plan), which will have to be addressed before they get the full Certificate of Occupancy.”

**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.**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Category 3 development plan **ON CONDITION** that the applicant work with MSD, Transportation Planning and Planning and Design staff to satisfy the technical aspects of the plan prior to issuance of the full Certificate of Occupancy.

**The vote was as follows:**

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

**CASE NO. 17DEVPLAN1144**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Peterson, Smith  
and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Tomes**

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

**CASE NO. 17DEVPLAN1200**

Request: Revised District Development Plan for a storage facility with  
landscape waivers.

Project Name: Louisville Self Storage  
Location: 3913 Accomack Drive

Owner: Fireside Investment Pool, LLC  
Michael J. Bailey  
90 Edwardsville Prof Park  
Edwardsville, Il. 62025

Applicant: Fireside Investment Pool, LLC  
Michael J. Bailey  
90 Edwardsville Prof Park  
Edwardsville, Il. 62025

Representative: Ann Richard  
Land Design & Development  
503 Washburn Avenue  
Louisville, Ky. 40222

Jurisdiction: Louisville Metro  
Council District: 17 – Glen Stuckel  
**Case Manager: Jay Lockett, Planner I**  
**Presented by: Brian Davis, AICP, Planning Manager**

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.)

**Discussion**

00:41:35 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

**PUBLIC HEARING**

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

Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

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

**CASE NO. 17DEVPLAN1200**

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

00:45:45 Mr. Young said the berm has been removed from the request which helps with not disturbing the trees.

**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.**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the following: a waiver of the Land Development Code section 5.9.2.A.1.b.ii to not provide vehicular access to adjacent non-residential sites; a waiver of the Land Development code section 5.5.4.B.1 to reduce the 50 foot property perimeter landscape buffer area to 25 feet **ON CONDITION** that additional plantings are provided as shown on today's exhibit – a total of 25 evergreen trees spaced 15 feet on center along the northwestern property line between the existing R-6 property; and the Revised 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 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.

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

**CASE NO. 17DEVPLAN1200**

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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.

b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. 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. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.

6. 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.

7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

**The vote was as follows:**



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**BUSINESS SESSION**

**CASE NO. 17DEVPLAN1200**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Peterson, Smith and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Tomes**

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

**CASE NO. 17DEVPLAN1204**

Request: Review of a Category 2B Development Plan for a proposed 70,425 square foot warehouse addition with an associated Sidewalk Waiver

Project Name: FORD LAP Building Addition

Location: 2000 Fern Valley Road

Owner: Michael McSweeney – FORD Motor Company

Applicant: Brooks Benton – Lockett & Farley

Representative: Brooks Benton – Lockett & Farley

Jurisdiction: Louisville Metro

Council District: 13 – Vicki Aubrey Welch

**Case Manager: Ross Allen, Planner I**

**Presented by: Brian Davis, Planning Manager**

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.)

**Discussion**

00:52:46 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

00:54:08 Commissioner Carlson stated the sidewalks are internal to the site and there is no general pedestrian traffic in the area. There are also some topographic constraints that would make building the sidewalks difficult.

**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.**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** a waiver from the Land Development Code section 5.8.1.B and 5.9.2.A.b.i to not provide a sidewalk along Fern Valley Rd. and along the property frontage at 2000 Fern Valley Rd.

**The vote was as follows:**

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

**CASE NO. 17DEVPLAN1204**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Peterson, Smith  
and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Tomes**

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

**CASE NO. 17DEVPLAN1221**

Request: Sidewalk Waiver  
Project Name: Hopewell Road Sidewalk Waiver  
Location: 4912 Hopewell Road  
Owner: Scott Dudek  
Applicant: Scott Dudek  
Representative: Scott Dudek  
Jurisdiction: Louisville Metro  
Council District: 20 – Stuart Benson  
**Case Manager: Brian Davis, AICP, Planning Manager**

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.)

**Discussion**

00:56:15 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

00:57:43 Commissioner Brown stated sidewalks are not likely to occur in this area.

**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.**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

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

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Peterson, Smith and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Tomes**

**PLANNING COMMISSION MINUTES**  
**December 21, 2017**

**PUBLIC HEARING**

**CASE NO. 17PARK1011**

Request: Parking Waiver to reduce required spaces from 17 to 10  
Project Name: The Planet Bar  
Location: 2232 Bardstown Road

Owner: Stock Yards Bank  
Deanna Crume  
2292 Bardstown Road  
Louisville, Ky. 40205

Applicant: The Planet Bar, LLC  
2292 Bardstown Road  
Louisville, Ky. 40205

Representative: Cathy Wright  
The Planet Bar, LLC  
2292 Bardstown Road  
Louisville, Ky. 40205

Jurisdiction: Louisville Metro  
Council District: 8 – Brandon Coan  
**Case Manager: Jay Lockett, Planner I**

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:**

00:59:48 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

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

Cathy Wright, 4617 Stonybrook Drive, Louisville, Ky. 40299

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

01:06:33 Ms. Wright answered questions regarding the parking study, current building use and parking demand for that use, hours of operation, amount of patrons anticipated, parking agreements – problem with landlords/owners and employee parking.

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**PUBLIC HEARING**

**CASE NO. 17PARK1011**

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

Evan Nixon, 2127 Edgeland Avenue, Louisville, Ky. 40204

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

01:14:14 Mr. Nixon has owned and operated the Highlands Animal Clinic for the past 26 years.

Mr. Nixon stated he has the following concerns with the request: Density; It will be a night club opened until 2:00 in the morning; joint parking agreement; inadequate parking now and will be worse; liability issues; waiver will place stress on the neighborhood parking system; safety issues; parking on streets will take away from homeowners.

**Deliberation**

01:22:17 Commissioner Ferguson said she is struggling with the amount of the waiver and the justification.

Commissioner Brown stated it is a walkable area but that is accounted for in the reductions and incentives. "To go above and beyond might be stressing the area beyond what it can accommodate." Written agreements would help mitigate the impact.

Commissioner Smith stated all parking is a premium in the proposed area and she does not support the waiver.

Commissioner Lewis stated there's already been a 50% reduction and a 41% (asked for today) is not justified. Other businesses have come to the Planning Commission with parking agreements.

Commissioner Howard stated a joint parking agreement is needed to warrant approval of this case.

Commissioner Peterson said further reducing the parking requirements will add to the existing parking problems in the area.

Commissioner Carlson doesn't support the waiver.

Chair Jarboe agrees with the other commissioners.

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**PUBLIC HEARING**

**CASE NO. 17PARK1011**

**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.**

On a motion by Commissioner Peterson, seconded by Commissioner Carlson, the following resolution based on the presentation, discussion, the fact that the parking doesn't seem adequate enough for the establishment and its uses and the applicant has already received a 50% reduction and is asking for an additional 41% waiver was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **DENY** the parking waiver request.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Peterson, Smith and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Tomes**

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**December 21, 2017**

**PUBLIC HEARING**

**CASE NO. 17ZONE1052**

Request: Change in Zoning from R-5A to OR-1  
Project Name: Payne Street Office  
Location: 1701 Payne Street

Owner: Lowes Investment Properties  
18717 Weatherford Circle  
Louisville, Ky. 40245

Applicant: Chip Summers

Representative: Bardenwerper, Talbott & Roberts, PLLC  
Nicholas R. Pregliasco  
1000 North Hurstbourne Parkway, 2<sup>nd</sup> floor  
Louisville, Ky. 40223

Jurisdiction: Louisville Metro  
Council District: 9 – Bill Hollander  
**Case Manager: Laura Mattingly, 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:**

01:34:41 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

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

Nick Pregliasco, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, 2<sup>nd</sup> floor, Louisville, Ky. 40223  
Mike O'Leary, 1963 Payne Street, Louisville, Ky. 40206

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



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01:40:08 Mr. Pregliasco gave a power point presentation. The building has been vacant 3-5 years and is planned to remain the same (just minor renovations). The applicant met with the Clifton Community Association. They are in support of the request.

01:48:00 Mr. O'Leary, Vice President of the Clifton Community Council, stated there was an informal meet and greet on September 27, 2017. All questions and concerns were answered in a positive manner. "The building has deteriorated and we are thrilled the building is going to be used and this wonderful company is coming in. The Clifton Community Council Board of Directors unanimously supports a zoning change from residential to office."

**Deliberation**

01:52:26 Commissioner Carlson stated it's an excellent proposal for the area and meets the intent of the Comprehensive Land Use Plan.

Commissioner Peterson supports the zoning change. The reuse of this property for this purpose is nice and will revitalize the neighborhood.

Commissioner Howard said it's a low intensity proposed use and meets the applicable guidelines of the Comprehensive Plan.

Commissioner Lewis is in favor of the plan and it's nice to see the applicant and neighbors working together.

Commissioner Smith supports the proposal. It will revitalize the area, is a wonderful reuse of the building and the zoning change is justified.

Commissioner Brown agrees that OR-1 is appropriate for the site.

Commissioner Ferguson agrees with the other commissioners.

Chair Jarboe agrees as well.

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

**Zoning Change from R-5A to OR-1**

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**CASE NO. 17ZONE1052**

On a motion by Commissioner Howard, seconded by Commissioner Peterson, the following resolution based on the Staff Analysis, testimony heard today, the applicant's booklet and Statement of Compliance with the Comprehensive Plan and we abandon the existing conditional use permit conditions of approval for Case No. B-13943-10 was adopted.

**WHEREAS**, the proposal does not affect the existing street pattern; and

**WHEREAS**, this proposal includes no new construction and is located near three local parks, including the Beargrass Creek Greenway; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the proposal is for the preservation and reuse of an existing building for non-residential purposes; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposal will not create a new center but it involves the repurposing of an existing building.

**WHEREAS**, while the property is zoned R-5A, the property and existing building to remain have previously been used as a day care center and then as a rehabilitation home with a Conditional Use Permit granted in 2010; the property is vacant and has been for some time; the applicant desires to convert this day care center/rehabilitation center building to an office use as the administrative office for Air Equipment Company; and the existing buildings shall be updated and renovated and remain with only modifications to the parking lot as shown on the Detailed District Development Plan; and

**GUIDELINE 1 – COMMUNITY FORM**

**WHEREAS**, the subject property is located in the Traditional Neighborhood Form District, which is characterized by predominately residential uses from low to high density with neighborhood serving low-intensity commercial, such as office use, located on corners, as is this case in this area of Clifton; the proposed development is to allow a long vacant building previously used as a day care center to be redeveloped and revitalized as a new use; and the Traditional Neighborhood Form District emphasizes the preservation and renovation of existing buildings as is the case here; and

**GUIDELINE 2 – CENTERS**

**WHEREAS**, this Guideline encourages mixed land uses organized around compact activity centers that are existing, proposed or planned in order to promote efficient use of land and investment in existing infrastructure; the proposed project is at the corner of Payne Street and S. Charlton Street, with the neighboring industrially zoned property

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(formerly the Louisville Paving operations) being converted to new uses, including the recently approved Advanced Business Solutions information technology headquarters; and the infrastructure is already in place for the proposed project, with more than ample parking; and

**WHEREAS**, Policy 1 of this Guideline suggests locating activity centers on at street intersections like this one; Policy 2 of this Guideline is met as this is an expansion of the current corner activity center one block to the Northeast and is of less intensity than the former uses of the property; and the proposed administrative office represents a mixture of compatible uses as set forth in Policy 5 as it will an adaptive reuse of the property reducing overall traffic congestion by locating the corporate office close to the office workers, including the principal applicant who lives just blocks away; and

**GUIDELINE 3 – COMPATIBILITY**

**WHEREAS**, the proposed project complies with all of the applicable Intents and Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 20, 21, 22, 23, 24, and 28 of Guideline 3 because this project will serve the surrounding neighborhood with a small office building; the proposed project does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already existed as a day care center and rehabilitation center; in fact the nuisances will be less with a newly renovated office building; setbacks will include compatible side and rear yards with no waivers or variances requested; the detailed district development plan, neighborhood meeting PowerPoint filed with the application demonstrate all that; further, the existing building will remain with improvements to the building and parking; this project is located within close proximity to the population that will support it, result in compact development, and provide a mixture of compatible uses; the new parking area will be to the rear of the property off the alley, in an area already paved and used for parking; the improvements will result in an overall reduction in impervious surface; and this proposal will also provide a transition from the adjoining industrially zoned properties to the northeast to the residential in the area; and

**GUIDELINES 4 AND 5 – OPEN SPACE / NATURAL AREAS AND SCENIC AND HISTORIC RESOURCES**

**WHEREAS**, the proposed project complies with all applicable Intents and Policies 1, 2, 3, 4, 5, 6, and 7 of Guideline 4 and Policies 1 and 2 of Guideline 5 because the project will maintain buffers as provided on the development plan and is an adaptive reuse of the existing building on the property which shall remain; due to the small nature of the changes and improvements to the property, the open space will be consistent with what is currently there; and the renovation of the existing building will preserve any natural features that may currently exist; and

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**GUIDELINE 6 – MARKETPLACE**

**WHEREAS**, the proposed project complies with all of the applicable Intents and Policies 1, 2, 3, 5, and 11 of Guideline 6 because this project will provide an administrative office to be used by workers living in the area; this project will also provide redevelopment of the vacant building and provide a better and more productive use than previously existed; and this project will result in a significant investment in an older neighborhood helping to revitalize same; and

**GUIDELINES 7 AND 8 – CIRCULATION AND TRANSPORTATION FACILITY DESIGN; GUIDELINE 9 - BICYCLE, PEDESTRIAN AND TRANSIT; GUIDELINE 12 – AIR QUALITY**

**WHEREAS**, the proposed project complies with all of the applicable Intents and Policies 1, 2, 3, 4, 6, 10, 11, 13, 14, 15, and 18 of Guideline 7; Policies 4, 5, 7, 9, 10 and 11 of Guideline 8; Policies 1, 2, 3 and 4 of Guideline 9; and Policies 1, 2, 3, 4, 6, and 8 of Guideline 12 because this project is situated at a corner where a previous day care center and rehabilitation home was located and the project will serve the neighborhood thus causing little impact for traffic, etc.; the applicant is improving the parking lot and off-street parking to address the parking needs of the site; the project is located along a TARC traffic line allowing ease of access; all utilities to serve the project already exist to serve the proposed project; further, this project was reviewed by Metro Transportation Planning Services personnel, who stamped the preliminary plan for approval prior to its docketing for Planning Commission review; and that assures that all of these applicable Public Works standards are complied with, including Policies of the 2020 Land Development Code (LDC); and

**WHEREAS**, the office building will serve as an additional location for office use and serve the area and will not negatively impact traffic as people coming to the property can walk or use transit, and the traffic will be less than the previous uses; thus, all negative traffic impacts are avoided with this development; and, as noted, design of the site, as shown on the detailed district development plan accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required -- that is, except as some disconnectivity to existing adjoining properties which already exists; and

**GUIDELINES 10 AND 11 – STORMWATER AND WATER QUALITY**

**WHEREAS**, the proposed project complies with all applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 because MSD will require that post-development peak rates of stormwater runoff do not exceed pre-

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development peak flows; there will be a net reduction in impervious surface; MSD has given its stamp of preliminary approval on the development plan before it is set for Planning Commission review; and any new construction will have to comply with MSD's soil erosion and sediment control standards; and

**GUIDELINE 13 – LANDSCAPE CHARACTER**

**WHEREAS**, the proposed project complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 because the local LDC requires tree canopies, certain kinds of landscaping for certain kinds of uses and screening and buffering of incompatible uses; accordingly, the LDC will be fully complied with; and

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

**RESOLVED**, that the Louisville Metro Planning Commission does hereby  
**RECOMMEND** that the Louisville Metro Council **APPROVE** the zoning change from R-5A to OR-1.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Peterson, Smith and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Tomes**

**Detailed District Development Plan and Binding Elements**

On a motion by Commissioner Howard, seconded by Commissioner Peterson, the following resolution based on the Standard of Review and it complies with the Land Development Code and the Comprehensive Plan was adopted.

**WHEREAS**, LOJIC has not identified any natural resources on site and the applicant will be making no changes to the site to affect tree canopy, soils or any other natural resource; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided through the existing street network and sidewalks; and

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**WHEREAS**, this development does not require open space, as it does not meet the threshold for open space or outdoor amenity requirements; and

**WHEREAS**, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions 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 finds, the overall site design and land uses are compatible with the existing and future development of the area, as the character of the existing structure will remain relatively the same; and

**WHEREAS**, the Louisville Metro Planning Commission further finds this development conforms to the Comprehensive Plan and Land Development Code due to the site's existing conditions and the proposed site improvements.

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

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

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Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

d. Construction plans, bond and permit for work in the Payne Street right-of-way and alley are required.

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, Carlson, Ferguson, Howard, Lewis, Peterson, Smith and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Tomes**

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**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.

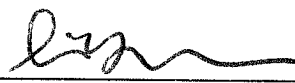
**CHAIRPERSON/DIRECTOR'S REPORT**

No report given.

**ADJOURNMENT**

The meeting adjourned at approximately 2:54 p.m.

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Planning Director