

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
May 29, 2014**

A meeting of the Louisville Metro Planning Commission was held on Thursday, May 29, 2014 at 1:00 p.m. in the Metro Development Center, Room 101, located at 444 South Fifth Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chair
David Proffitt, Vice Chair
Jeff Brown
David Tomes
Robert Peterson

Commission members absent:

Vince Jarboe
Robert Kirchdorfer
Clifford Turner
Chip White

Staff Members present:

Emily Liu, Director, Planning & Design Services
John G. Carroll, Legal Counsel
Jonathan Baker, Legal Counsel
Joseph Reverman, Planning Supervisor
Julia Williams, Planner II
Mike Hill, Planning Coordinator
Matthew Doyle, Planner II
Tammy Markert, Transportation Planning
Sharonda Duerson, Management Assistant (sign-ins)
Chris Cestaro, Management Assistant (minutes)

Others:

Pat Barry, MSD

The following matters were considered:

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Approval of Minutes

Approval of the minutes of the May 15, 2014 Planning Commission public hearing

On a motion by Commissioner Proffitt, the following resolution was adopted:

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of the regular meeting of the Louisville Metro Planning Commission held on May 15, 2014.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, and Peterson.

NO: No one.

NOT PRESENT: Commissioners Jarboe, Kirchdorfer, Turner, and White.

ABSTAINING: Commissioner Tomes.

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Public Hearing

Case No. 14AMEND1002

Project Name: LDC Text Amendment – Relocation of non-conforming on-premises signs when government exercises eminent domain over property.

Applicant: Louisville Metro Council

Jurisdiction: Louisville Metro

Case Manager: **Michael Hill, AICP, Planning Coordinator**

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.)

Request:

Land Development Code Text Amendment (Section 8.1.4.C)

Agency Testimony:

Michael Hill presented the case (see staff report and file for detailed exhibits.) He said this proposal was discussed at the April 25, 2014 Planning Committee meeting, at which the Committee members had some recommended changes to the text. He said the underlined paragraph “C” in the staff report is the language recommended to Metro Council.

The following spoke in favor of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against this request:

No one spoke.

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Rebuttal:

There was no rebuttal, since no one spoke in opposition.

Discussion:

Commissioner Blake said there was a lot of debate during the April 25th Planning Committee regarding this language. Commissioners Proffitt and Brown expressed concern about limiting the sign relocation to an area as close as possible to its original location. That may not be an appropriate location in the future. Commissioner Blake agreed and said that having the Director of Planning and Design Services and/or the designee could determine if the new location for the sign is appropriate.

A recording of the Planning Commission hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to obtain a copy. The recording of this hearing is available under the May 29, 2014 public hearing proceedings.

On a motion by Commissioner Proffitt, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed Amendment to Section 8.1.4.C of the Land Development Code as listed in the staff report, be **APPROVED**, to read as follows:

C. ~~Where condemnation by~~ When the federal, state or local government or public utility has caused the taking of property on which any legal nonconforming on-premises sign is located (Example: the widening of a public right-of-way), that nonconforming on-premises sign may be relocated to an area of the remaining property so long as no just compensation has been received for the value of the nonconforming sign and the sign is not further altered to make the sign less in conformance with this regulation. The new location for the relocated sign shall be approved by the Planning Director, or designee. Any property owner who intends to relocate a nonconforming on-premises sign under this provision shall present ~~conclusive~~ evidence to the permitting authority that no compensation for the nonconforming sign has been received from the governmental entity or public utility ~~as a result of the subject condemnation proceeding~~ and that no alterations to the advertising portion of ~~to~~ the sign will be undertaken so as to make it less in conformance with this regulation. The permitting authority, ~~after reviewing and approving~~ upon determining that the necessary evidence

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submitted satisfies the requirements herein, shall issue a new permit for the relocation of the nonconforming sign on the property.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Peterson, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Jarboe, Kirchdorfer, Turner, and White.

ABSTAINING: No one.

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Public Hearing

Case No. 14DEVPLAN1034

Project Name: Multi-family Housing

Location: 2008-2032 Frankfort Avenue and 113 North
Bellaire Avenue

Owners: Windhorst Investments, LTD.
Ready Electric
3300 Gilmore Industrial Boulevard
Louisville, KY 40213

Applicant: Milhaus Development
Greg Martin - Representative
530 East Ohio Street Suite A
Indianapolis, IN 46204

Representative: Glenn Price
Frost Brown Todd LLC
400 West Market Street Suite 3200
Louisville, KY 40202

Architect/Engineer: Kevin Young
Land Design & Development Inc.
503 Washburn Avenue
Louisville, KY 40222

Jurisdiction: Louisville Metro

Council District: **9 – Tina Ward-Pugh**

Case Manager: **Latondra Yates, 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.)

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Appeal of LD&T approval of a Parking Waiver at their April 24, 2014 meeting.

Agency Testimony:

Latondra Yates presented the case and showed a Power Point presentation, which included maps and photos of the site and surrounding areas (see staff report and exhibits on file.)

Ms. Yates said she has received both a letter of support and another of opposition since the staff report was published. She handed those out to the Commissioners. She also distributed an e-mail from Jeff Brown regarding the plan submitted to KTC regarding the permitting for the new parking T's that will be painted in the next 1-2 months [all handouts on file.]

Ms. Yates also reviewed previous parking waiver requests in the immediate area from 1987-2007; the most recent parking-related parking action found was a joint parking agreement.

Glenn Price, the applicant's representative, said the applicant is requesting an 11-space, 8.7% waiver and wanted to know how that compared to other granted parking waivers in the area. He said that Ms. Yates presented the parking waiver percentages orally and did not give that testimony to the applicant in advance of today's hearing. Ms. Yates resumed the podium and read the following into the record:

2309 Frankfort Avenue – 7 spaces, a 28% waiver
2330 Frankfort Avenue – 2 spaces, a 33% waiver
2342, 2344, 2346, 2348, and 2350 Frankfort Avenue – 17 spaces, a 33% waiver
2330 Frankfort Avenue (separate request) – 3 spaces, a .097% waiver
2704-2706 Frankfort Avenue – 7 spaces, a .30% waiver
1722 Frankfort Avenue – 3 spaces, a 12% waiver
3700 Frankfort Avenue – 11 spaces, a 15% waiver

The following spoke in favor of the appeal:

Judith Champion, 2023 Frankfort Avenue, Louisville, KY 40206

Scott Nussbaum, 2034-2036 & 2040 Frankfort Avenue, Louisville, KY 40206

Debra Harlan, 1734 Chichester Avenue, Louisville, KY 40205

Connie Carlisle Polley, 1942 Frankfort Avenue, Louisville, KY 40206

Eve J. Polley, 633 Rawlings Street, Louisville, KY 40217

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Charles Kaplan, 2011 Frankfort Avenue, Louisville, KY 40206

D.W. Nasief, 2009 Frankfort Avenue, Louisville, KY 40206

Kevin McAdam, 2703 Bickel Road, Louisville, KY 40206

Phil Samuel, 3 Angora Court, Louisville, KY 40206

John Varanese, 2106 Frankfort Avenue, Louisville, KY 40206

Summary of testimony of those in favor of the appeal:

Judith Champion, a Frankfort Avenue business owner, discussed the size of the development and how it would impact the neighborhood, specifically the parking. She said that this neighborhood has 32 businesses on it, and all are dependent on adequate parking. These are “destination businesses.” She said there are approximately 28-30 parking spaces on Frankfort Avenue that serve these businesses; most are 2-hour spaces. She said the 39 spaces on this site have “alleviated tremendously” the parking issues on this block, but now this development will take those away. When this project is built, the business owners will have to rely solely on the 28-30 spaces on the street.

She handed out a map showing existing businesses and residences in the 200 block of Frankfort Avenue, and also a chart showing the parking distribution in public parking spaces [both on file].

Scott Nussbaum said his customers must be able to park within 50 feet of his store because they are bringing in furniture; they will not be using public transportation for this. He said the Frankfort Avenue businesses, including his own, cannot exist without adequate parking. He discussed a new business across the street (Louisville Rowing) in which teams of about 60 people at a time come in, all day.

Charles Kaplan, a Clifton Lofts resident, explained how heavily and regularly this lot is used all day. On Sunday, February 23, 2014 there were 39 cars parked there; whenever there is a church function, the lot is used by parishioners if there is no more space in the church parking lot. He said the waiver request is “absurd” and that to allow this waiver “indicates a lack of knowledge of the ...day-to-day living in that area.” He discussed some safety issues related to increased traffic. He said he did not think the developer had looked for other parking in the area, and is not going to scale-down the project unless they have to.

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Dr. D.W. Nasief, whose business is right across the street, said he has many disabled and elderly patients who require nearby parking. He reiterated that the Ready Electric lot has been a great help with the parking issues in the neighborhood. He also reiterated that any loss of parking would be detrimental to his and others' businesses.

Kevin McAdams, asked for a moratorium on all parking waivers until an assembly of property owners, business owners, residents, developers, and Metro officials can be held to determine what to do about the parking situation. He said parking problems are chronic and growing worse.

Phil Samuel said he welcomes the re-striping initiative to find new parking spaces in the area. He said if new parking spaces are so easy to find, they would have been found already. He said the applicant for this project should be responsible to provide the parking, or prove it won't cause a problem. He said all of these parking waivers are adding up and worsening the problem.

John Varanese, a restaurant owner, said the train tracks in this area add a complication to the parking problem; drivers don't usually go over the tracks to seek parking away from Frankfort Avenue. He stated that the parking issue also affects residents, who cannot park near their homes because customers are now parking on residential streets. He described how parking regulations and requirements are restricting his business. He said that pre-1987 Frankfort Avenue needed parking waivers to help the area grow, but that extra help is not needed now. He added that less parking equals lower resale value of a commercial property.

Eve Polley said she is in agreement with everything that has been said so far and is in support of the appeal.

Connie Polley said she is also in support of the appeal.

Debra Harlan said she strongly supports the staff report and staff's conclusions. She said the proposed project is too dense for the site. Also, she said Clifton Lofts is "a poorly designed project" which has parking issues of its own; residents there can and do park on the street. She said this is "not an island, but a corridor", in which all sites are interrelated.

In response to a question from Commissioner Brown, Ms. Champion said the 28-30 public parking spaces were on Frankfort Avenue only. She also discussed customer parking on private property, and said that driveways that lead behind

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businesses are not used to provide customer parking (1 or 2 businesses do have some on-site parking on their properties.)

Commissioner Proffitt asked if there were parking problems before the Ready Electric lot was temporarily turned into public parking. Ms. Champion said there were. Commissioner Proffitt asked, if the businesses were successful before the addition of this parking area, can't they still be successful after this parking site is developed? Ms. Champion said "surviving" is not the same as "succeeding" and that inadequate parking hampers business growth. She added that residents from this new development will be parking on the street during the day, even though the applicant has stated that they will not. She said many of the proposed units are two-bedroom units, and they will have two cars, not one. She said that a project of this size should provide all of their parking on their site.

In response to another question from Commissioner Proffitt, Ms. Champion said that many of her customers are from out of town and that on-street parking is "critical", especially for customers who are not familiar with the city.

Commissioner Blake asked about Ms. Champion's statement in her letter about Clifton Lofts residents parking on the street instead of using their own private lot. She said that lot is not full; the residents apparently find parking on Frankfort Avenue and exiting in the morning easier and more convenient from the street. She reiterated what Ms. Harlan had said about the "bad design" of Clifton Lofts, which includes a driveway that is hard to get out of.

The Commission adjourned for 10 minutes and reconvened at approximately 2:05 p.m.

The following spoke in opposition to the appeal:

Glenn Price, Frost Brown Todd LLC, 400 West Market Street Suite 3200,
Louisville, KY 40202

Kevin Young, Land Design & Development Inc., 503 Washburn Avenue,
Louisville, KY 40222

Greg Martin, Milhaus Development, 530 East Ohio Street Suite A, Indianapolis,
IN 46204

Councilwoman Tina Ward-Pugh, 601 West Jefferson Street, Louisville, KY
40202

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Jason Crowder, 2228 Payne Street, Louisville, KY 40206

Mike O’Leary, 1963 Payne Street, Louisville, KY 40206

Summary of testimony of those in opposition to the appeal:

Glenn Price presented the case. He said Milhaus Development specializes in urban infill developments and is accustomed to dealing with parking issues. Their developments utilize pedestrian, bike, and public transit.

The Land Development Code provides for a 10% reduction in parking due to the availability of public transit – the applicant is requesting an 8% parking waiver. He pointed out that the waiver requests listed by Ms. Yates were not that low. He also mentioned that this is a C-2 site, and that most C-2 uses permitted here would generate much more traffic and parking issues than this use.

He demonstrated why the development could generate traffic opposite daytime business hours, thus leaving spaces available for the Frankfort Avenue business owners/customers.

He said if this project were reduced by 8 units, the applicant would not need a parking waiver; however, he said that reducing the number of units would not have any effect on the parking situation on Frankfort Avenue. He reiterated that Metro Public Works is working to find new parking spaces on the street, and considering one TARC stop which would provide additional parking spaces.

Mr. Price showed aerial photos of the site and the surrounding areas. He said that the Ready Electric parking lot will be going away no matter what is built on this property. It was always understood that this was going to be a temporary lot. He stated that all variances and waivers have already been approved by BOZA.

He discussed the “walkability” score from WalkScore and said there are three major bus routes that go down Frankfort Avenue.

Mr. Price then showed and discussed Parking Demand Analysis graphs (from 8:00 a.m. to 7:00 p.m.) and said that parking demands go down during the day and up at night. He said that there are surplus on-street parking spaces in this area that are not being used.

Mr. Price discussed potential shared parking agreements that could happen in the Clifton neighborhood. He reiterated that this development has been approved by BOZA, the Clifton Architectural Review Committee (ARC), and

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LD&T. He clarified that the standard is that there is a surplus on on-street parking that can handle the generated parking demand for the development.

Kevin Young was called, but declined to speak unless there are any questions.

Councilwoman Tina Ward-Pugh said future developments must look at multi-modal transportation, not just vehicular transportation. She said this development is more in line with future developments which will be walkable, bike-able and transit friendly. She said she is in favor of building up, and putting parking on-site and (preferably) underground. She said she thinks the waiver being requested is “minimal”.

Mike O’Leary, a Clifton resident and a member of the ARC, said this project has caused residents to look at “pocket parking” and alternative parking; also, it has caused residents to re-examine the 2002 Frankfort Avenue Streetscape Project Survey. He discussed parking lots/spaces that are available but are not being shared. He said the 2-hour parking is not being enforced, unless a call is made to PARC.

Greg Martin was called, but declined to speak unless there are any questions.

Jason Crowder, a Payne Street resident, said he opposes the appeal and is in support of the development project. He said he thinks the density is “perfect for this neighborhood” and will add to the urban vitality of the area. He said the 39 spaces on the Ready Electric lot have only been there for two years; the appellants have been operating their businesses longer than that. He discussed the possibility of shared parking agreements.

Commissioner Tomes asked Mr. Price if the 10% parking reduction for public transportation had already been taken into the waiver calculations. Mr. Price said it had.

In response to a question from Commissioner Tomes, Greg Martin discussed the parking ratios for two similar Indianapolis projects. Commissioner Tomes asked if the private parking on those sites was available to any other business in the area. Mr. Martin said no. Commissioner Tomes asked if there was anything that prevented the residents from using the on-street parking used by nearby businesses. Mr. Martin said there was not. Mr. Price discussed the calculations for parking demand.

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Commissioner Tomes asked if stacked parking systems had been considered. Mr. Martin said they had not, but discussed parking mitigation measures that had been taken.

In response to some questions from Commissioner Brown, Mr. Martin discussed occupancy rates for the two Indianapolis projects.

In response to some questions from Commissioner Proffitt, Mr. Martin discussed the number of units, density, and the economic viability of the project.

Commissioner Peterson asked about the possible alternate/shared parking.

In response to a question from Commissioner Brown, Mr. Price confirmed that the new project would have one vehicular access point. Councilwoman Ward-Pugh also discussed shared parking ideas. She said business owners had previously been reluctant to try shared parking agreements due to liability concerns; however, as more property owners do this, it has been found to be not as much of an issue as was previously believed.

Rebuttal

Mr. Nussbaum said projects in downtown Indianapolis are not applicable or comparable to the Clifton area. He said the appellants took their own parking survey, counting the number of cars per hour. He said the churches are not willing to share their parking with businesses, and in fact business owners have been asking private property owners “for years” to try shared parking agreements, but they have all refused.

He said the parking variances that were all approved were in the 2300 block of Frankfort Avenue, not the 2000 block. The 2000 block has variances for three restaurants so far.

He said when Clifton Lofts was built, the owners said they would give merchants some of their parking in the back; within a few months after being built, merchants were told not to park there or their vehicles would be towed.

Mr. Varanese said that a business on that lot would have to follow business guidelines, including providing parking for customers. Regarding density, he said that the neighborhood, and the Frankfort Avenue corridor, is already “packed” and that density is causing problems for other residents and business owners. He agreed that the comparison of this development with others in downtown

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Indianapolis is not applicable. He said Frankfort Avenue is a two-lane road with no place to expand.

Commissioner Proffitt questioned Ms. Champion about the parking graphs she had handed out to the Commissioners.

Mr. Price asked Ms. Champion why she had limited her parking study to just the 2000 block? She said she studied the 2000 block because this is where the project is going in. Mr. Kaplan added that there is a “psychological barrier” that keeps drivers from parking on the other side of the railroad tracks. People park on Frankfort Avenue, but not on the streets on the other side of the tracks.

Commissioner Peterson asked Ms. Champion if she had been able to determine how much street parking was being used by Clifton Lofts residents. Ms. Champion said no, and added that she sees cars in the 2-hour spots being ticketed “almost daily” in front of her business. Mr. Price said that page 3 in the applicant’s booklet is an e-mail from PARC regarding this issue.

In response to a question from Commissioner Blake, Tammy Markert (Metro Transportation Planning) discussed the criteria that determine whether a “loading zone” can be established on the street.

In response to a question from Commissioner Proffitt, both Ms. Markert and Commissioner Brown discussed “residents only” or “business-use only” parking permits or signs. Commissioner Brown said the residents-only parking in Old Louisville was generated via petition and was passed by an ordinance. Councilwoman Ward-Pugh said that these permits have been discussed; however, she said she does not support designated parking for residents or businesses – these are public streets.

Discussion:

The Commissioners agreed that parking is an issue here; however, the density of this project is appropriate for the area. The applicant has done “due diligence” by reducing the size of the original proposal to minimize its impact, and that the requested waiver of 11 spaces is minimal.

A recording of the Planning Commission hearing related to this case is available in the Planning & Design Services offices. Please contact the

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Customer Service staff to obtain a copy. The recording of this hearing is available under the May 29, 2014 public hearing proceedings.

On a motion by Commissioner Proffitt, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds the parking waiver is in compliance with Community Form Guideline 1. The proposal conforms to Community Form Guideline 1 and Policy 1.B.7 because the proposal is situated in the Traditional Marketplace Corridor Form District. This Form District is typically found along a major roadway where the pattern of development includes such uses as small specialty shops, restaurants and services; buildings have little or no setback and are oriented toward the street; buildings typically have 2–4 stories. This area of Frankfort Avenue is correctly within the Traditional Marketplace Corridor Form District and the proposed multi-family development is consistent with the Form District; and

WHEREAS, the Commission further finds that the proposal conforms to Compatibility Guideline 3 and Policies 3.1, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.24 and 3.26. The Clifton Architectural Review Committee approved a Certificate of Appropriateness for the building which indicates, among other things, that the development is compatible with the scale and site design of nearby existing development and the pattern of development within the Form District. The LDC permits the proposed 93 units in the existing C-2 zone; higher density residential is appropriately located between lower density residential and/or non-residential development. There are no odor or air quality concerns with the proposal. The Louisville Department of Public Works approved the development plan on April 16, 2014 and again on May 1, 2014 indicating, among other things, that no adverse traffic impacts will result from the development. Additionally, no noise, lighting nuisance or other nuisances, visual or otherwise, are associated with multi-family development. The development provides for all but 11 of its required parking spaces either on-site or on abutting spaces along Frankfort Avenue. The proposal is located in the Clifton neighborhood, which is an urban neighborhood. Parking by both residents and customers of neighborhood businesses is commonplace along Frankfort Avenue. The development is located along Frankfort Avenue, which is a primary transit corridor. The proposal will conform to all LDC requirements regarding signage; and

WHEREAS, the Commission further finds that the proposal conforms to Open Space Guideline 4 and all applicable Policies adopted thereunder, including Policies 4.1, 4.3 and 4.4 because the open space requirements of the LDC will

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be met by the close proximity of Bingham Park near Coral Avenue. Bingham Park is 627 feet from the development; and

WHEREAS, the Commission further finds that the proposal conforms with Natural Areas and Scenic and Historic Resources Guideline 5 and Policies 5.1, 5.2, 5.3, 5.4 and 5.6. The development was approved by the Clifton Architectural Review Committee because it lies within the Clifton Historic Preservation District. There are no natural, historic or cultural features on site. There are no wet or highly permeable soils on site nor are there steep or unstable slopes; and

WHEREAS, the Commission further finds that the proposal conforms to Circulation Guideline 7 and Policies 7.1, 7.3, 7.10 and 7.15. The development was approved by the Louisville Department of Works on April 16, 2014 and May 1, 2014. This approval indicates that the Department has evaluated the impact of the proposal on the transportation network in the vicinity, and has found that the proposal will provide for safe movement for vehicles and pedestrians both on-site and off-site, especially considering nearby Bellaire Avenue; additionally, the approval indicates that the proposal meets all appropriate transportation safety principles and requirements. The development provides for sufficient parking pursuant to LDC requirements, taking into account the fact that the development has its access on Frankfort Avenue, with transit, bicycle and pedestrian access in an urban neighborhood; and

WHEREAS, the Commission further finds that the proposal conforms to Transportation Facility Guideline 8 and Policy 8.7 because an 8.7% parking waiver of (11 spaces) is insubstantial and will have no impact on surrounding businesses or residents living in this urban neighborhood; and

WHEREAS, the Commission further finds that the proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and Policies 9.1, 9.2, 9.3 and 9.4. The site is served along Frankfort Avenue with existing sidewalks connecting this residential development with the retail and commercial areas along Frankfort Avenue and in the Clifton neighborhood. The development will provide an ample bicycle storage facility within the building. The site is served (along Frankfort Avenue) by three (3) separate transit lines (together with nearby transit boarding points) of the Transit Authority of River City ("TARC") which are TARC Routes 15, 19 and 31; and

WHEREAS, the Commission further finds that the proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 10.1, 10.7, 10.10 and 10.11. The proposal was approved by the Metropolitan Sewer District ("MSD") on May 7, 2014. MSD's approval

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indicates that peak stormwater runoff rates or volumes post-development will not exceed pre-development rates and that the development will protect the “through” drainage capacity of the system. The approval of MSD was made considering the entire watershed. Impervious surfaces on-site have been minimized to the extent possible as shown on the development plan; and

WHEREAS, the Commission further finds that the proposal conforms to Air Quality Guideline 10 and all applicable Policies adopted thereunder, including Policies 10.1, 10.3, 10.5 and 10.8. The proposal was approved by the Louisville Air Pollution Control District on March 24, 2014. The site is located on Frankfort Avenue, which has sidewalks. Frankfort Avenue is a rapid transit corridor; and

WHEREAS, the Commission further finds that the proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 13.1, 13.2, 13.4 and 13.5. The proposal exceeds the requirement for interior landscape area and provides all necessary landscaping as previously found by the Louisville Board of Zoning Adjustment in its April 21, 2014 approvals. All plantings will conform to LDC requirements and will be native species; and

WHEREAS, the Commission further finds that the proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 14.2, 14.3, 14.4, 14.6 and 14.7. All necessary utilities are presently available to the site without need for extension of service facilities. An adequate supply of potable water and water for fire-fighting purposes is available to the site. Utilities will be placed at locations on-site determined by each utility and, whenever possible, will be placed underground. Utilities will be located within easements as directed by the individual utility; and

WHEREAS, the Commission further finds that the proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9 because the site will be served by fire-fighting services of Louisville Fire Protection District No. 4; and

WHEREAS, the Commission further finds that the Applicant has made a good faith effort to provide as many spaces as possible on the site, on other property under the same ownership, or through joint use provisions; and

WHEREAS, the Commission further finds that on-site parking facilities have been maximized as is evident from the Applicant’s request for a waiver so as not to provide interior landscaping islands. In short, on-site parking availability has been “maxed out.” There is no other property in the vicinity, whether available for

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joint use parking or otherwise, that is available to meet the parking requirement. The Applicant has exercised good faith in maximizing the number of proposed parking spaces; and

WHEREAS, the Commission further finds that the requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use. Because parking spaces on-site have been maximized, the requested waiver is the smallest possible reduction of parking spaces; and

WHEREAS, the Commission further finds that adjacent or nearby properties will not be adversely affected by an 11 space parking waiver. Parking requirements are imprecise at best. An 11-space (8.7%) parking waiver is inconsequential, and for a requested waiver this small the LDC does not even not require a parking study. In addition, parking demand for this residential use is strongest in the evening hours during the week when parking demand for Frankfort Avenue parking spaces for nearby commercial uses is low. Alternatively, during daytime, parking demand for Frankfort Avenue spaces is higher for commercial and retail uses and is low for residential uses because most residents are at work. As shown from the exhibits to be provided at public hearing projected parking for this development will not be higher than 90% of capacity; and

WHEREAS, the Commission further finds that the requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use. Parking requirements are imprecise at best. Thus, it is difficult to ascertain whether a parking requirement of 126 spaces would be satisfied by the provision of 115 spaces. The parking spaces proposed by the development will be sufficient for the multi-family use and will not adversely impact adjacent businesses or residences. As shown from the exhibits to be provided at public hearing projected parking for this development will not be higher than 90% of capacity; and

WHEREAS, the Commission further finds that there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand. Available on-street parking serves the proposed use. The LDC allows the development to credit thirteen (13) on-street (Frankfort Avenue) abutting parking spaces to its number of required parking spaces. Most of the parking along Frankfort Avenue are open to the public. Thus, available on-street parking exists along Frankfort Avenue to serve the needs of this development while continuing to serve the needs of nearby Frankfort Avenue businesses and residents. As shown from the exhibits to be provided at public hearing projected parking for this development will not be higher than 90% of capacity, and thus will not generate

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parking demand off-site. A surplus of on-street parking spaces is not necessary because the development has no off-site parking generation; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **DENY** the appeal of the approved waiver request.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, and Peterson.

NO: Commissioner Tomes.

NOT PRESENT: Commissioners Jarboe, Kirchdorfer, Turner, and White.

ABSTAINING: No one.

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Business Session

Case No. 09-83-02

*NOTE: This case, originally scheduled on the Agenda to be heard following the Approval of Minutes, was moved to be heard immediately following Case #14DEVPLAN1034.

Subdivision: Spring Farm Place

Case Manager: Jonathan Baker, Attorney
Office of the County Attorney

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.)

Request:

Authorization to initiate bond forfeiture proceedings.

Agency Testimony:

Jonathan Baker presented the request [correspondence, notices and other documentation on file.]

Commissioner Proffitt asked if there had been any progress in resolving the unfinished construction issues since March of 2014. Mr. Baker said he had not received any information indicating that any work has been done. In response to a question from Commissioner Proffitt, Mr. Baker said no one from Canfield Development has contacted him.

Commissioner Tomes said Mr. Jones is no longer involved with Canfield Development.

The following spoke in support:

Jeff Gorski, 7907 Farm Spring Drive, Louisville, KY 40059

Summary of testimony of those in support:

Jeff Gorski, a Spring Farm Place resident, said he is also president and general counsel for the Homeowner's Association. He said the HOA is trying to wrest

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control of the development from Canfield Development. He described the numerous problems residents have had with the developer.

On a motion by Commissioner Proffitt, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **AUTHORIZE** the initiation of the bond forfeiture process for Spring Farm Place.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Peterson, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Jarboe, Kirchdorfer, Turner, and White.

ABSTAINING: No one.

END BUSINESS SESSION

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Public Hearing

Case No. 13ZONE1016

Project Name: Flynn Hook Property

Location: 4337 and 4403 Bardstown Road

Owner/Applicant: Salt River Investment, LLC
Jim Rice, Representative
1213 Outer Loop Road
Louisville, KY 40219

Representatives: Raymond Bannon, General Counsel
Representing Flynn Holding Management
Company
Salt River Investment, LLC
10801 Electron Drive Suite 102
Louisville, KY 40299

Todd Lanning
Mindel, Scott & Associates
5151 Jefferson Boulevard
Louisville, KY 40219

Jurisdiction: Louisville Metro

Council District: 2 – Barbara Shanklin

Case Manager: **Julia Williams, 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.)

Request:

A change in zoning from M-2 Industrial to C-2 Commercial; a Revised District Development Plan; a building setback variance; and amendment to existing binding elements.

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Agency Testimony:

Julia Williams presented the case and showed a Power Point presentation, which included photos and maps of the site and surrounding areas (see staff report for detailed presentation.) She added that the binding elements proposed for revision referred to a previous industrial use on the site and are no longer needed.

The following spoke in favor of this request:

Todd Lanning, Mindel, Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Raymond Bannon, 10801 Electron Drive Suite 102, Louisville, KY 40299

Summary of testimony of those in favor:

Raymond Bannon, the applicant's representative, gave a brief history of the property and discussed plans for the site. Portions of the original lot have been sold to Tire Discounters and Family Dollar, respectively. He showed a Power Point presentation which included maps and a site plan. There will be cross-access parking on all three lots.

Commissioner Proffitt asked about landscaping relative to the residential community behind this site. Todd Lanning, an applicant's representative, said a buffer and a 6-foot wooden fence, supplemented with trees, are being proposed. The Development Plan does not show the landscaping at this point. Ms. Williams said that only an 8-foot screen is required in this area. She suggested making the landscaping a Condition of Approval, which should be resubmitted to staff showing the wooden fence.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against this request:

No one spoke.

Rebuttal:

There was no rebuttal.

A recording of the Planning Commission hearing related to this case is available in the Planning & Design Services offices. Please contact the

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Customer Service staff to obtain a copy. The recording of this hearing is available under the May 29, 2014 public hearing proceedings.

Zoning

On a motion by Commissioner Proffitt, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Guideline 1 – Community Form**. The proposal appears to conform to Traditional and Suburban Marketplace Corridor Form Districts Goal F2 and Objectives F2.1, F2.3, Goal F3, Objectives F3.1 and F3.2, Goal F4, Objectives F4.1, F4.2, F4.4 and F4.5 and Community Form Guideline 1 and all applicable Policies adopted under thereunder, including Policy I.B.8 because it is located in the Suburban Corridor marketplace Form District which is distinguished by medium and high intensity land uses. This form also encourages unified entry ways. The proposed development will share a common entry point with adjacent businesses: Tire Discounters and Family Dollar. Retail customers will have a choice of utilizing vehicular travel, bicycles or sidewalks to come to the site. This commercial area along Bardstown Road has .a vibrant mixture of uses and sense of identity. The proposed uses are medium intensity land uses located between higher intensity nodes. The scale of all structures, its design and mass are consistent with other commercial uses in the vicinity. No setback encroachments are requested. Parking is sufficient for the proposed uses and will not adversely impact pedestrian use of the aesthetic quality of Bardstown Road corridor; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 2 – Centers**. The proposal conforms to Guideline 2– Centers and all applicable Policies adopted thereunder, including Policies 2.2, 2.3, 2.4 and 2.15. The proposed uses will serve residents living in the general vicinity of the store. The uses are similar in character and intensity to other developments in the immediate area. The proposal is located in an area with a sufficient support population. The Development is compact and utilizes land in an economical way, and will use existing public infrastructure. Parking is situated so as to balance safety, traffic, transit pedestrian environmental and aesthetic considerations: it is anticipated that the proposal will receive the approval of the Louisville Department of Public Works and Assets ("Metro Works"), indicating the appropriateness of the proposed parking; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 3 -Compatibility**. The proposal conforms to Transportation and

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Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.2, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.22, 3.24 and 3.28. The development will be compatible with existing commercial and residential development. Residential development is located on Carey Avenue to the rear of the site. The development will not result in odor or air quality nuisances. The traffic-carrying capacity of Bardstown Road will not be adversely affected as a result of this development; no visual nuisances relating to noise or lighting will result from the development; no visual nuisances will be caused. Adequate landscape buffers will be installed pursuant to Land Development Code ("LDC") Article 10. Parking, loading and delivery are situated to cause minimal impact to adjacent residences. Signs will be proposed in accordance with LDC; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 5- Natural Areas and Scenic and Historic Resources**. The proposal conforms to Transportation and the Environmental Goal C1 and Objectives C1.4 and C1.5, Social and Cultural Resources Goal D1, and Objective D1.1, Land Goal E1, E2 and E4 and Objective E4.1, and Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 5.1, 5.2, 5.3, 5.6 and 5.7. Site development will respect the natural features of the land. There are no historic resources or distinctive cultural features on site. There are no archaeological resources on the site. Soils and slopes are adequate for the proposed development; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Circulation Guideline 9 - Bicycle, Pedestrian and Transit**. The proposal conforms to Site Design Standards for Alternative Transportation Modes Goal11 and Objective 11.1, Goal12 and Goal 15, and Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 9.1, 9.2 and 9.4. An existing public sidewalk serves the site along its northern frontage at Bardstown Road. The sidewalk will be extended across the entire Bardstown Road frontage of the site. The site is served by TARC Routes 17 and 62. Bicycle "parking" facilities are located on the site as shown on the development plan; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 10- Flooding and Stormwater**. The Proposal conforms to Water Goal Bland Objectives Bl.1, Bl.3 and Bl.4, and Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Polices 10.1, 10.2, 10.3, 10.4, 10.6, 10.7, 10.10 and 10.11. This site features an existing detention basin in a large easement area at the rear of the property. Impact to the

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watershed has been minimized as a result of the detention basin. Floodplain management standards reflect the full development potential of the watershed. The detention basin ensures adequate compensatory storage and accommodation of stormwater runoff volumes as a result of the development. The on-site drainage system will preserve "through" drainage systems in a manner acceptable to the Metropolitan Sewer District ("**MSD**"); it is anticipated that the development will receive the approval of MSD; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 12- Air Quality**. The Proposal conforms to Air Goal C1 and Objective Cl.2 and Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 12.1, 12.2, 12.3 and 12.8. It is anticipated that the Air Pollution Control District will approve the proposal. The proposed uses will not results in a significant generator of vehicular traffic. Bardstown Road, as stated above, is a transit route. Sidewalks and bicycle movement are encouraged by on-site public sidewalks and bicycle storage facilities; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 14- Infrastructure**. The Proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 14.2, 14.3, 14.4, 14.6 and 14.7. The proposal has adequate service for all necessary utilities. An adequate water supply for domestic and fire-fighting purposes serves the site. New utilities will be located underground wherever possible and will be situated where recommended by each utility for appropriate possible maintenance and repair access; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 15 -Community Facilities**. The proposal conforms to Community Facilities Guideline 15 and all applicable Polices adopted thereunder, including Policy 15.9. Firefighting services will be provided by the Buechel Fire Department; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed change in zoning from M-2 Industrial to C-2 Commercial on property described in the attached legal description be **APPROVED**.

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The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Peterson, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Jarboe, Kirchdorfer, Turner, and White.

ABSTAINING: No one.

Variance

On a motion by Commissioner Proffitt, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the requested variance will not adversely affect the public health, safety or welfare. The building setback will not affect the public as the site has good pedestrian connectivity that prevents the vehicle pedestrian conflicts that can arise from buildings being too far setback from the road; and

WHEREAS, the Commission further finds that the requested variance will not alter the essential character of the general vicinity. The buildings along Bardstown Road in the area have altering setbacks; the three lots associated with this proposal are no different. With such variation of setbacks the character of the area will not be altered; and

WHEREAS, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public. The building setback will not affect the public as the site has good pedestrian connectivity that prevents the vehicle pedestrian conflicts that can arise from buildings being too far setback from the road; and

WHEREAS, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations. Due to the pedestrian connectivity on the site and the altering setbacks of existing buildings along Bardstown Road the request is not unreasonable. Placing more parking in the front of the building in this area also maintains a consistent setback for the rear of the properties that are adjacent to residential. Furthering the activity on the look from the residential and putting it to Bardstown Road; and

WHEREAS, the Commission further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone. The special circumstance for the variance is that

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the site is located adjacent to single family residential. Having the building setback further than required allows for more parking to be located in front of the structure and between the structure and Bardstown Road. This keeps traffic located along the activity area of the site close to Bardstown Road and away from the residential. All lots associated with the proposal have minimal parking between the building and the adjacent residential; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variance from table 5.3.2 to permit the building on proposed Lot 2B to be setback approximately 142' from the front property line instead of between 10' and 80', a 62' variance.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Peterson, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Jarboe, Kirchdorfer, Turner, and White.

ABSTAINING: No one.

Revised Detailed District Development plan, General Development plan, and Amended Binding Elements

On a motion by Commissioner Proffitt, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there are no existing natural resources evident on the site. The applicant will be providing trees and vegetation for buffering and other landscape requirements; and

WHEREAS, the Commission further finds that pedestrian connectivity and vehicular access is found throughout the site all lots are connected with sidewalks and crosswalks as well as vehicular connections to and from all the lots; and

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WHEREAS, the Commission further finds that the open space for the site is located along the rear and provides a significant buffer between the site and the adjacent single family residential; and

WHEREAS, the Commission further finds that the provision of adequate drainage facilities on the subject site has been provided in order to prevent drainage problems from occurring on the subject site or within the community. MSD has preliminarily approved the proposal; and

WHEREAS, the Commission further finds that the compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area has been met. The buffering along the north property line exceeds the requirements of the LDC due to the detention and easements in the area. With the exception of the building setback variance the plan complies with the LDC. The variance is consistent with the altering setbacks found along Bardstown Road; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development plan and the General Development plan, **SUBJECT** to the following binding elements, and **ON CONDITION** that a revised development plan be resubmitted to staff showing the location of a wood fence along the north property line, at the height required by the Land Development Code:

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. The development shall not exceed 11,250 square feet of gross floor area for Lot 2A, 9,150 sf for Lot 2B, and 4,288 sf for Lot 2C.
3. No pennants, balloons, or banners shall be permitted on the site.

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4. 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.
5. 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. 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.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - e. 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.
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.

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8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. The property owner shall provide a cross over access easement if the property to the east is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 29, 2014 Planning Commission meeting.
11. No idling of trucks between the rear of the shopping center and adjacent single-family residences. No overnight idling of trucks shall be permitted on-site.
12. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Peterson, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Jarboe, Kirchdorfer, Turner, and White.

ABSTAINING: No one.

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Public Hearing

Case No. 14ZONE1001

Project Name: 1373 Lexington Road

Location: 1373 Lexington Road

Owner: J. Chris McClellan
6202 Six Mile Lane LLC
P.O. Box 206004
Louisville, KY 40250

Applicant: Kelli Lawrence
Cityscape Residential
8888 Keystone Crossing Suite 1300
Indianapolis, IN 46240

Representative: Deborah Bilitski
Wyatt Tarrant & Combs
500 West Jefferson Street
Louisville, KY 40202

Architect/Engineer: Kevin Young
Land Design & Development Inc.
503 Washburn Avenue
Louisville, KY 40222

Jurisdiction: Louisville Metro
Council District: 9 – Tina Ward-Pugh

Case Manager: **Julia Williams, 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.)

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Request:

A change in zoning from M-3 Industrial to R-8A Multi-Family Residential; a Revised District Development Plan; a building height variance; landscape waivers; and a waiver to permit parking in front of the principle structure.

Agency Testimony:

Julia Williams presented the case and showed a Power Point presentation, which included maps and photos of the site and the surrounding area (see staff report for detailed presentation.)

In response to a question from Commissioner Brown, Ms. Williams said that, if the adjoining property were to be downzoned in the future, the buffer requirement would still be 15 feet.

In response to questions from Commissioner Proffitt, Ms. Williams said there are no other R-8A-zoned properties in the immediate area. She said R-8A is the minimum zoning classification required to meet the density that the applicant is proposing.

The following spoke in favor of this request:

Kelli Lawrence, Cityscape Residential, 8888 Keystone Crossing Suite 1300,
Indianapolis, IN 46240

Ray Schuhmann, 200 Distillery Commons Suite 200, Louisville, KY 40206

Deborah Bilitski, Wyatt Tarrant & Combs, 500 West Jefferson Street, Louisville,
KY 40202

Kevin Young, Land Design & Development Inc., 503 Washburn Avenue,
Louisville, KY 40222

Summary of testimony of those in favor:

Deborah Bilitski, the applicant's representative, presented the case and showed a Power Point presentation (see applicant's booklet for detailed presentation.) She pointed out the site's proximity to Frankfort Avenue to the north, and Baxter Avenue to the west.

Kevin Young, an applicant's representative, discussed environmental and design features as well as parking. He said the applicant wants this site to be a catalyst for developing a streetscape along Lexington Road in this area.

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Ms. Bilitski briefly reviewed some aspects of the elevations. She said many of the variances and waivers are being requested due to the applicant's efforts to preserve and protect Beargrass Creek. She said she has heard of no opposition, but there is a letter of support.

Ray Schuhmann, the owner of property across the street, spoke in support. He said this is currently a blighted site, and he strongly supports the proposal.

Commissioner Proffitt asked who will maintain the bioswales and the pervious pavement. Pat Barry, representing MSD, said the property owner signs a maintenance agreement, and these systems are inspected by MSD yearly.

In response to some questions from Commissioner Proffitt, Mr. Young and Ms. Kelli Lawrence discussed the parking design.

In response to some question from Commissioners Brown and Blake, Ms. Williams said she had received another letter today from the Irish Hill Neighborhood Association supporting the most recent development plan, including revisions to the southeast corner. Ms. Williams described what is in the southeast corner and what changes had been made from the original plan.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against this request:

No one spoke.

Rebuttal:

There was no rebuttal.

A recording of the Planning Commission hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to obtain a copy. The recording of this hearing is available under the May 29, 2014 public hearing proceedings.

Zoning

On a motion by Commissioner Proffitt, the following resolution was adopted:

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WHEREAS, the Louisville Metro Planning Commission finds that the proposed change in zoning from M-3 Industrial to R-8A Multi-Family Residential on the property located at 1373 Lexington Road complies with Guideline 1 of the Cornerstone 2020 Comprehensive Plan because the proposed development is located within an existing activity center along Lexington Road in a Traditional Neighborhood Form District; the proposed development will enable an old industrial site to be redeveloped into an upscale multi-family residential community; the proposed development will preserve the existing sidewalk and street pattern; streetscape improvements will be made along the Lexington Road frontage to enhance the pedestrian experience; the site design is consistent with the traditional pattern of development, with buildings located along the Lexington Road frontage and parking located primarily to the sides and rear of the buildings; the subject property is located in very close proximity to Breslin Park, a public park just east of the site at the intersection of Lexington Road and Payne Street; and the proposed construction incorporates materials and design features that are compatible with the character of the surrounding area; and

WHEREAS, the Commission further finds that the proposed rezoning complies with Guideline 2 of the Comprehensive Plan because the proposed development is located within an existing activity center that contains a mixture of industrial, residential, commercial, and office uses; the site plan incorporates focal points around the site, including a pool, rain gardens, and open space areas around Beargrass Creek; the proposed development allows for the conversion of an old blighted industrial site into a multi-family residential development, which will help to stabilize the area and add to the diverse mixture of uses in the Irish Hill neighborhood; and the proposed development will provide a unique housing type and building style that does not currently exist in the neighborhood; and

WHEREAS, the Commission further finds that the proposed rezoning complies with Guideline 2 of the Comprehensive Plan because the proposed development will incorporate streetscape amenities, landscaping, pedestrian connections, and adequate on-site parking; the site design focuses the buildings to the street and away from the natural features of the site, giving greater attention to the buildings and streetscape; the buildings will be articulated to provide visual interest and will include brick and glass materials, transparent doorways and entry areas, and other animating features; the subject site is located along a transit corridor in close proximity to downtown, sidewalks will be provided along the Lexington Road frontage, and bicycle parking will be provided in the development; the proposal represents a compact pattern of development resulting in the efficient use of land; and the proposed mixture of compatible uses will reduce vehicle

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trips, support the use of alternative forms of transportation, and encourage vitality and sense of place in this traditional neighborhood; and

WHEREAS, the Commission further finds that the proposed rezoning complies with Guideline 3 of the Comprehensive Plan because the subject property is located in a mixed-use area along a busy corridor that includes industrial, commercial, office, and residential uses; directly across Lexington Road from the subject site is the Distillery Commons complex and Headliners Music Hall, both of which are zoned EZ-1; the proposed residential development is compatible with the scale and site design of development in the surrounding area, including Distillery Commons, and with the pattern of development of the Traditional Neighborhood Form District; the vegetation along Beargrass Creek provides a buffer where the site adjoins the higher intensity M-3 and EZ-1 zoned properties; and the proposed rezoning will not adversely impact the surrounding area; **WHEREAS**, the Planning Commission further finds the proposed rezoning complies with Guideline 3 of the Comprehensive Plan because the proposed buildings will incorporate architectural design features compatible with the character of the surrounding neighborhood; the buildings will be oriented towards the street frontage with setbacks that meet the form district standards; the proposed development will contain sufficient parking to the sides and rear of the buildings to serve the needs of the residents of the development and their guests; the subject site's two access points are off of Lexington Road and are designed and located to be safe and convenient for motorists and pedestrians, and will not negatively impact nearby properties; the proposed residential development is appropriately located on a transit corridor; sidewalks and internal pedestrian connections are being provided to ensure the development is highly accessible by all modes of transportation; the proposed development contains trees and other landscaping along the Lexington Road frontage and throughout the site to break up parking areas and enhance the aesthetic character of the development; and the proposed development's outdoor lighting and signage will comply with Land Development Code requirements and will not negatively affect nearby residential properties; and

WHEREAS, the Commission further finds that the proposed rezoning complies with Guideline 4 of the Comprehensive Plan because the subject property is located in close proximity to Breslin Park, a public park; in addition, the proposed development contains large areas of open space along Beargrass Creek as well as throughout the development; the open spaces around Beargrass Creek will serve as natural buffers against the adjacent higher density zoning districts and will help treat some of the site's run-off before entering the creek; and green infrastructure measures are being incorporated into the site development,

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including rain gardens and bio-cells, which will provide additional water quality benefits and reduce the volume and flow of stormwater runoff; and

WHEREAS, the Commission further finds that the proposed rezoning complies with Guideline 4 of the Comprehensive Plan because the proposed development respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes land disturbance and environmental degradation; the proposed development preserves the required stream buffer along Beargrass Creek, and will integrate bio-cells which will provide additional water quality and stormwater drainage benefits; and the proposed buildings will be constructed on podiums to ensure there are no negative impacts to the watershed and its capacity to carry stormwater; and

WHEREAS, the Commission further finds that the proposed rezoning complies with Guideline 6 of the Comprehensive Plan because the subject property is located within an existing activity center along Lexington Road near the intersection of Payne Street; and the proposed development represents a significant investment in the redevelopment and rehabilitation of a vacant, blighted industrial site in a manner that is consistent with the Traditional Neighborhood Form District; and

WHEREAS, the Commission further finds that the proposed rezoning complies with Guidelines 7, 8 and 9 of the Comprehensive Plan because the subject site is located on Lexington Road, a minor arterial, near the intersection of Payne Street, a primary collector to the north and local road to the south, which together will provide adequate carrying capacity to handle the traffic going to and from the development; additional right-of-way will be dedicated along Lexington Road to accommodate future improvements; the two entrances to the development are designed to ensure the safe and efficient movement of pedestrians and vehicles without causing a nuisance to adjacent property owners; sufficient vehicle parking spaces, including handicapped spaces required by the ADA, are provided on site; and parking is located primarily to the sides and rear of the proposed buildings in conformance with Traditional Form District standards; and

WHEREAS, the Commission further finds that the proposed rezoning complies with Guidelines 7, 8 and 9 of the Comprehensive Plan because the subject property provides bicycle parking on site; the sidewalks along the Lexington Road frontage will be improved and pedestrian connections will be provided from the public sidewalk to the proposed development; the subject site is located along a TARC route, ensuring an adequate level of public transit service; the proposed development accommodates all modes of transportation by providing

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for the movement of pedestrians, bicyclists, vehicles and transit users to, from, and through the development; and being located in an activity center on a minor arterial roadway in close proximity to neighborhoods and downtown Louisville, with adequate pedestrian, bicycle, and transit service, the subject site is located where transportation infrastructure exists to ensure the safe and efficient movement of people and goods; and

WHEREAS, the Commission further finds that the proposed rezoning complies with Guidelines 10 and 11 of the Comprehensive Plan because the buildings will be constructed on podiums to ensure there are no negative impacts to the watershed and its capacity to carry stormwater; the proposed development is located on a site that will enable proper stormwater handling and release management that will not adversely affect adjacent and downstream properties; Beargrass Creek will be maintained in its current location and buffered in accordance with Land Development Code requirements; the proposed development's large open space areas around Beargrass Creek as well as the green infrastructure measures that will be incorporated into the development will provide water quality benefits by treating stormwater runoff before it enters the creek; the addition of landscape islands, bio-cells and other open space throughout the development will significantly improve the stormwater maintenance on the site; the proposed development minimizes impervious area by providing parking under the buildings; and an erosion prevention and sediment control plan will be implemented prior to construction utilizing best management practices as required by the Metropolitan Sewer District; and

WHEREAS, the Commission further finds that the proposed rezoning complies with Guideline 12 of the Comprehensive Plan because the proposal represents an efficient land use pattern and utilizes current traffic patterns; the proposed development will enable and promote a reduction in vehicle miles traveled and increased pedestrian travel, resulting in a reduction in commuting time and transportation-related air pollution; the subject site is located on a minor arterial and the existing roadway infrastructure provides adequate capacity for the traffic going to and from the development; and the proposed development will promote bicycle transportation due to its proximity to the Central Business District, Beargrass Creek Parkway and other surrounding neighborhoods; and

WHEREAS, the Commission further finds that the proposed rezoning complies with Guideline 13 of the Comprehensive Plan because the tree canopy will be provided in accordance with the Land Development Code; a vegetative buffer will be preserved along Beargrass Creek to not only buffer the proposed development from surrounding properties, but also to preserve a natural

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greenway corridor that can provide habitat areas and allow for wildlife migration; the proposed development will utilize native plant species in the landscape design, street trees will be planted along Lexington Road to enhance the streetscape; significant interior landscaping will be installed throughout the site and in the vehicular use areas, which will enhance the buildings, break up the parking areas, and enhance the overall visual quality of the development; and outdoor signage and lighting will comply with the Land Development Code and will be compatible with the surrounding area; and

WHEREAS, the Commission further finds that the proposed rezoning complies with Guidelines 14 and 15 because the subject property is served by existing infrastructure and all necessary utilities, including water, electricity, telephone and cable; and the development has an adequate supply of potable water and water for fire-fighting purposes and is served by the Louisville Fire Department; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed change in zoning from M-3 Industrial to R8-A Multi-Family Residential on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Peterson, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Jarboe, Kirchdorfer, Turner, and White.

ABSTAINING: No one.

Variance

On a motion by Commissioner Proffitt, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the requested variance of Section 5.2.2.C. – Table 5.2.2. of the Land Development Code ("LDC") to permit the proposed buildings to be 75 feet in height will not adversely

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affect the public's health, safety or welfare, and will not alter the essential character of the area because the proposed development is consistent with the surrounding properties, specifically the buildings along Lexington Road, including the Distillery Commons complex directly across the street, which is approximately 57 feet in height; the subject property is within an existing activity center along Lexington Road, with commercial properties to the east and south, and industrially-zoned properties to the west and north; the site is buffered from the majority of the surrounding properties by Beargrass Creek, which runs along a significant portion of the property; this site was historically part of the National Distillers and Chemical Company (now Distillery Commons) development which included buildings as tall as 100 feet; there are no residential properties surrounding the subject site, and the nearest residential area to the south of the site is approximately 30 feet above grade elevationally from the subject property; the proposed development is compatible with the surrounding developments and the Traditional Neighborhood pattern of development and will incorporate site design and architectural qualities compatible with the character of the surrounding area, which blends the existing industrial character of the area with the more traditional architecture found in and around the Irish Hill neighborhood; the buildings will be constructed using a mixture of materials, including brick and glass, and will incorporate architectural features including windows and entryways consistent with traditional development in an urban setting; the building façades will be articulated to create an interesting streetscape, and the sidewalks will be improved along Lexington Road as shown on the development plan; open space is provided within the development in excess of the LDC requirements, and street trees and interior landscaping will be provided to enhance the visual quality of the development; and

WHEREAS, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public because the buildings are designed to be consistent with the pattern of development in the general vicinity, including other repurposed industrial sites in the area, and will incorporate architectural features that will complement the character of the neighborhood; the proposed development represents a significant investment in the redevelopment of a vacant blighted industrial site; the proposed development will be compatible with existing development in the area and will not cause any adverse impacts to surrounding properties; further, by adding a story to the building height and providing parking under the buildings, the applicant is able to minimize impervious area and provide a greater stream buffer along Beargrass Creek than required by the Land Development Code; and

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WHEREAS, the Commission further finds that special circumstances exist that do not apply to land in the general vicinity or in the same zone because the subject property is located almost entirely within the 100-year floodplain; in order to comply with the Floodplain Management Ordinance, the buildings must be elevated, which results in additional building height; the applicant is not responsible for these site conditions, and therefore, the circumstances giving rise to the variance are not the result of actions taken by the applicant subsequent to the adoption of the regulations from which relief is sought; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and create an unnecessary hardship because, if the requested variance is not granted, the applicant will be unable to develop the land in a manner consistent with properties in the surrounding area, a substantial number of dwelling units would be lost, making the project financially infeasible; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variance from Table 5.2.2 to increase the maximum building height from 45' to approximately 75', a 30' variance.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Peterson, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Jarboe, Kirchdorfer, Turner, and White.

ABSTAINING: No one.

Waiver #1 - Chapter 10.2.4 to permit the encroachment of parking into a 15' LBA along the east property line.

On a motion by Commissioner Proffitt, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not affect adjacent property owners as the adjacent property is the more intense user. The reduction in buffer affects the subject site and its future residents more

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so than the existing adjacent property. The screening and buffering requirements will still be met within the buffer provided; and

WHEREAS, the Commission further finds that the site will still be compatible with the adjacent car repair business because the buffering and screening requirements will still be met; and

WHEREAS, the Commission further finds that, since the most affected property is the subject site and the buffering requirements will still be met, the waiver is the minimum for relief for the applicant; and

WHEREAS, the Commission further finds that the strict application would deprive the applicant of strict use of the land because the buffer would otherwise need to be provided by the more intense use which in this case would be the adjacent auto repair; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from Chapter 10.2.4 to permit the encroachment of parking into a 15' LBA along the east property line.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Peterson, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Jarboe, Kirchdorfer, Turner, and White.

ABSTAINING: No one.

Waiver #2 - Chapter 10.2.12 to permit a greater distance between ILAs.

On a motion by Commissioner Proffitt, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the request will not affect adjacent property owners because the ILAs are within a parking lot interior to the site. The greater spacing will allow for bio-retention within larger

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ILAs which ultimately will benefit adjacent property and the overall health of Beargrass Creek; and

WHEREAS, the Commission further finds that the comprehensive plan will not be violated because the overall ILA requirement will be met on the site and the bio-retention areas will benefit Beargrass Creek by preventing direct pollutants from going into the creek; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. Relief in this case benefits Beargrass Creek more so than the applicant because bio-retention will prevent pollutants from entering Beargrass Creek directly; and

WHEREAS, the Commission further finds that the other design measures incorporated here are having the ILAs be larger and used for bio-retention which benefits Beargrass Creek and its environs; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from Chapter 10.2.12 to permit a greater distance between ILAs.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Peterson, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Jarboe, Kirchdorfer, Turner, and White.

ABSTAINING: No one.

Waiver #3 - Chapter 5.4.1.G.1.b to permit parking west of Building A to not be located to the rear of the building.

On a motion by Commissioner Proffitt, the following resolution was adopted:

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WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not affect adjacent property owners because the minimal parking area will still be screened from the adjacent ROW by a wall; and

WHEREAS, the Commission further finds that the comprehensive plan guidelines will not be violated because the parking area will still be screened by use of a wall which is consistent with the overall development increasing the compatibility with the traditional form; and

WHEREAS, the Commission further finds that the encroachment is minimal and the applicant is providing a wall along the length of the property which makes the waiver the minimum necessary for relief. The situation arises due to the curve in Lexington Road. The other parking on the site is located behind the buildings making this area the only portion where there is minimal encroachment; and

WHEREAS, the Commission further finds that the applicant is providing a 4' wall to screen the parking and provide a continuation of the street wall that is being created by the proposed buildings; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from Chapter 5.4.1.G.1.b to permit parking west of Building A to not be located to the rear of the building.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Peterson, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Jarboe, Kirchdorfer, Turner, and White.

ABSTAINING: No one.

Revised District Development plan and Binding Elements

On a motion by Commissioner Proffitt, the following resolution was adopted:

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal preserves Beargrass Creek on the site and complements that preservation by using bio-retention within the interior landscape islands. Trees will be preserved within the stream buffer and additional plantings will be located throughout the site per Chapter 10 requirements; and

WHEREAS, the Commission further finds that both pedestrians and vehicle users are provided for by the use of driveways and sidewalks throughout the site. Two of the structures are located along the street which allows for pedestrian access to and from the apartments and connects the site to the transit available along Lexington Avenue; and

WHEREAS, the Commission further finds that the site is preserving the creek within the required stream buffer but Breslin Park is also located near the site which can be utilized as open space for the site; and

WHEREAS, the Commission further finds that the provision for adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community has been met. MSD has preliminarily approved the proposal; and

WHEREAS, the Commission further finds that the proposal follows the traditional form which would aid in future developments following in the same pattern. The area is mainly industrial/office. The proposal adds density to this mixed area which has the potential to bring in commercial uses or other densities; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan and **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

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

2. The development shall not exceed 350,000 square feet of gross floor area.
3. No pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and

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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 materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 29, 2014 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Peterson, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Jarboe, Kirchdorfer, Turner, and White.

ABSTAINING: No one.

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Presentation by Joe Reverman

Before the Planning Commission adjourned, Mr. Reverman discussed coming changes to public hearing minutes that are being implemented by Planning and Design Services.

He also updated the Commission on the status of the renovations of the Old Jail Building Courtroom.

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Legal Review Committee

No report given.

Planning Committee

No report given.

Policy and Procedures Committee

No report given

Site Inspection Committee

No report given.

ADJOURNMENT

The meeting adjourned at approximately 5:05 p.m.

Chairman

Division Director