

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
March 3, 2022**

A meeting of the Louisville Metro Planning Commission was held on Thursday, March 3, 2022 at 1:00 p.m. via Cisco Webex Video Teleconferencing.

**Commission members present:**

Marilyn Lewis, Chair – left at 2:00 PM.  
Lula Howard, Vice Chair  
Jeff Brown  
Rich Carlson  
Ruth Daniels  
Jim Mims  
Pat Seitz  
Te'Andre Sistrunk  
Patricia Clare  
Glenn Price

**Commission members absent:**

None.

**Staff Members present:**

Emily Liu, Planning and Design Director  
Joe Reverman, Planning and Design Assistant Director  
Brian Davis, Planning and Design Manager  
Julia Williams, Planning Supervisor  
Dante St. Germain, Planner II  
Jay Lockett, Planner II  
Laura Ferguson, Legal Counsel  
Madison Thomas, Management Assistant

**Others present:**

Beth Stuber, Transportation Planning Supervisor  
Tony Kelly, MSD

The following matters were considered:

**PLANNING COMMISSION MINUTES**  
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**APPROVAL OF MINUTES**

**FEBRUARY 17, 2022 PLANNING COMMISSION MEETING MINUTES**

00:04:18 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the regular meeting of the February 17, 2022 Planning Commission.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, Howard, Carlson, Clare, Daniels, Sistrunk, Price, and Lewis.**

**NO: No one.**

**ABSTAIN: Commissioner Seitz.**

**ABSENT: No one.**

**PLANNING COMMISSION MINUTES**  
**March 3, 2022**

**PUBLIC HEARING**  
**CASE NO. 21-ZONE-0134**

Request: Reschedule Night Hearing Date – Change in Zoning from R-4 & C-1 to to R-6, with Detailed District Development Plan with Binding Elements

Project Name: Greenburg Lower Hunters Trace

Location: 2328 & 2400 Lower Hunters Trace, 2403 Cady Court

Owner: George Gagel

Applicant: Select Homes

Representative: Dinsmore & Shohl

Jurisdiction: Louisville Metro

Council District: 12 – Rick Blackwell

Case Manager: **Dante St. Germain, AICP, Planner II**

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

**Agency Testimony:**

00:05:50 Dante St. Germain explained that the Night Hearing date needed to be rescheduled because of an issue with notices.

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

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RESCHEDULE** 21-ZONE-0134 to be heard at 6:00 p.m. at the **March 21, 2022** Planning Commission night hearing, to be held at the Southwest Government Center.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, Howard, Carlson, Clare, Daniels, Seitz, Sistrunk, Price, and Lewis.**

**NO: No one.**

**ABSTAIN: No one.**

**ABSENT: No one.**

**PLANNING COMMISSION MINUTES**  
**March 3, 2022**

**PUBLIC HEARING**  
**CASE NO. 21-ZONE-0104**

Request: Continued from 02/03 PC – Change in Zoning from R-4 to R-7, with Detailed District Development Plan with Binding Elements

Project Name: Old Preston Highway Apartments

Location: 10410 & 10414 Old Preston Highway

Owner: Skaggs Family Trust

Applicant: Highgate’s Development

Representative: Mindel Scott & Associates

Jurisdiction: Louisville Metro

Council District: 24 – Madonna Flood

Case Manager: **Dante St. Germain, AICP, Planner II**

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

**Agency Testimony:**

00:08:15 Dante St. Germain explained that the case needed to be continued to the next Planning Commission meeting due to a transportation problem with the plan.

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

On a motion by Commissioner Howard, seconded by Commissioner Mims, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** case 21-ZONE-0104 to the **March 17, 2022** Planning Commission meeting.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, Howard, Carlson, Clare, Daniels, Seitz, Sistrunk, Price and Lewis.**

**NO: No one.**

**ABSTAIN: No one.**

**ABSENT: No one.**

## PLANNING COMMISSION MINUTES

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### PUBLIC HEARING

CASE NO. 21-ZONE-0075

Request: Change in Zoning from R-4 TO C-1  
Project Name: Hurstbourne Labs  
Location: 9021 Taylorsville Road  
Owner: Barry and Dale Crawford  
Applicant: Barry and Dale Crawford  
Representative: Bardenwerper, Talbott and Roberts PLLC. and Miller Wihry  
Jurisdiction: Louisville Metro  
Council District: 11 – Kevin Kramer  
Case Manager: **Julia Williams, AICP, Planning Supervisor**

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

#### **Agency Testimony:**

00:12:03 Julia Williams presented the case and showed a PowerPoint presentation (See staff report and recording for detailed presentation.)

In response to Commissioner Mims' question if the general plan is approved, would the applicant be allowed to use the building as it is, Julia Williams responded no, that the general plan just approves the zoning change and not any development on the site. Any development or use on the site would have to come back through a development plan review and come before the Development Review Committee.

Commissioner Seitz asked if this was an internal lab or where people would come and have lab work done. Julia Williams explained that they are proposing a future commercial use on the property and not a lab at this time.

Commissioner Brown asked if the Binding Element about the restricted uses would have to go before Metro Council to amend, it currently states that it would go before the Development Review Committee to make that amendment. Julia Williams explained that they typically want to keep things within the Planning Commission, however, if Metro Council wants final say on amending restricted uses, they can add that themselves.

Commissioner Clare asked if there were no changes to the house then they could not use it as a commercial house. Julia Williams said that was correct, they could use the driveway and the property residentially, but they cannot use it commercially yet because they don't have the detailed plan.

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### PUBLIC HEARING

CASE NO. 21-ZONE-0075

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

Paul Whitty, Bardenwerper, Talbott, and Roberts, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

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

00:22:44 Paul Whitty, the applicant's representative, presented the applicant's case and showed a PowerPoint presentation (see recording for detailed presentation.)

Commissioner Carlson asked if there were any landscaping concepts or plans along Axminster Drive and the adjacent property at the rear. Paul Whitty said they did have a plan that showed the landscaping, but it was removed to simply have the general plan, however, when the detailed plan comes through it will have detailed landscaping.

Commissioner Mims asked who would write the permit for an encroachment on Axminster Drive. Paul Whitty said it would be the city of Forrest Hills, as it is their street, but they are not going to ask for an encroachment.

**00:42:08 Commissioners' deliberation.**

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

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

#### **Change in Zoning:**

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because the proposal is located along an arterial roadway and does not encroach upon residential neighborhoods to the rear which are oriented towards Axminster Drive. The property is one that orients itself to the arterial roadway and lends itself to commercial conversion. The district does not result in the displacement of residents, loss of affordable housing units, or create adverse impacts of traffic, parking, signs, lighting, noise, odor, or stormwater; and the proposed land use is located along an arterial roadway with transit service which connects major arterials and activity centers to employment and populations; and traffic would not appear to have a significant impact based on the roadway classification; and the C-1 district does not allow for uses that produce significant odors or noises; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Form because the proposed district is appropriately located adjacent to similar intensities that form the frontage to an arterial roadway; and

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the subject site is appropriately located for its intensity and density with transit service which connects major arterials and activity centers to employment and populations; and the proposal adds to the services in the area that are supported by population and employment centers in the area; and the proposal adds to the mixture of potential uses in the area that are consistent with the general area and character of the area; and the existing structure is not proposed to be removed at this time; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 3: Community Form because there are no natural features evident on this site; and no wet or highly permeable soils, severe, steep or unstable slopes appear to be present on site; and no changes to flood-prone areas and other features vulnerable to natural disasters are impacted by the proposed district. The site is not located within the floodplain; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 4: Community Form because the proposal results in the preservation of existing structures at this time; and the proposal results in the preservation of existing structures at this time; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 1: Mobility because the proposal is appropriately located for transit-oriented development and an efficient public transportation system; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Mobility because traffic would not appear to have a significant impact based on the roadway classification; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 3: Mobility because the proposal adds to the mixture of services in the area that are supported by population and activity centers in the area which support walking and short trips; and all improvements to public ways required by the LDC and Transportation Planning will be addressed or mitigated. The addition of this proposal may reduce vehicle miles travel by encouraging a mix of land uses; and the district supports transit and pedestrian use by locating additional services along transit routes; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Facilities because utilities appear to be available to serve the proposed land use; and an adequate supply of potable water and water for fire-fighting purposes will be available; and adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams will be provided as approved by MSD.

**PLANNING COMMISSION MINUTES**

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**PUBLIC HEARING**

**CASE NO. 21-ZONE-0075**

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that Louisville Metro Council **APPROVE** the change in zoning for case 21-ZONE-0075 from R-4 Single-Family Residential to C-1 Commercial for the property described in the staff report at 9021 Taylorsville Road.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, Howard, Carlson, Clare, Daniels, Seitz Sistrunk, Price, and Lewis.**

**NO: No one.**

**ABSTAIN: No one.**

**ABSENT: No one.**

On a motion by Commissioner Howard, seconded by Commissioner Seitz, the following resolution was adopted:

**General District Development Plan:**

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

**WHEREAS**, the Commission further finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

**WHEREAS**, the Commission further finds there are no open space requirements pertinent to the current proposal; and

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

**WHEREAS**, the Commission further finds the zoning district allows for uses that are compatible with the area; and

**WHEREAS**, the Commission further finds the general development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**Proposed Binding Elements:**



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CASE NO. 21-ZONE-0075

1. The development shall be in accordance with the approved general 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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. There shall be no vehicular access from the site to Axminister Drive.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. The property owner shall provide a cross over access easement if the property to the south is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.

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**PUBLIC HEARING**

**CASE NO. 21-ZONE-0075**

10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the General District Development Plan for case 21-ZONE-0075 along with the Binding Elements on pages 10 and 11 of the staff report along with the applicant's proposed Binding Element "There shall be no vehicular access from the site to Axminister Drive" to replace Binding Element #3, based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, Howard, Carlson, Clare, Daniels, Seitz, Sistrunk, Price, and Lewis.**

**NO: No one.**

**ABSTAIN: No one.**

**ABSENT: No one.**

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**PUBLIC HEARING**

**CASE NO. 3 BINDING ELEMENT FINAL ORDER – 5244 DIXIE HIGHWAY**

Request: Binding Element Final Order – 5244 Dixie Highway  
Case Manager: **Laura Ferguson, Jefferson County Attorney’s Office**

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

**Agency Testimony:**

00:51:00 Laura Ferguson presented the case. The citation was issued on May 26, 2021 and was not appealed. As a result, there is a final order before the Planning Commission. There was a violation of Binding Element #1. (See recording for detailed presentation.)

In response to Chair Lewis’ question about the fine, Laura Ferguson responded it was \$1000.

Commissioner Brown asked if this was the development plan that the Development Review Committee acted on in November of last year. Laura Ferguson said that was correct.

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

On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution was adopted:

**RESOLVED** that the Louisville Metro Planning Commission does hereby enter a Final Order to **UPHOLD** the citation issued on May 26, 2021.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, Howard, Carlson, Clare, Daniels, Seitz, Sistrunk, Price, and Lewis.**

**NO: No one.**

**ABSTAIN: No one.**

**ABSENT: No one.**

## PLANNING COMMISSION MINUTES

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### BUSINESS SESSION

#### CASE NO. 21-DDP-0110

Request: Revised Detailed District Development Plan with Revisions to Binding Elements

Project Name: Garrett Shelby Station

Location: 400 Shelby Station Drive

Owner: Oaklawn Development Properties

Applicant: Damon Garrett – Sunshine Builders

Representative: Bardenwerper, Talbott and Roberts

Jurisdiction: Louisville Metro

Council District: 11 – Kevin Kramer

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

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

**Note: Chair Lewis recused herself due to a conflict of interest.**

#### Agency Testimony:

01:00:23 Jay Lockett presented the case and showed a PowerPoint presentation (See staff report and recording for detailed presentation.)

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

John Talbott, Bardenwerper, Talbott, and Roberts, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

Derek Triplett, Land Design and Development, 503 Washburn Ave, Louisville, KY 40222

Damon Garrett, Sunshine Industries, 901 Lily Creek Road, Louisville, KY 40243

Diane Zimmerman, 12803 High Meadows Pike, Prospect, KY 40059

#### Summary of testimony of those in favor:

01:06:06 John Talbott, the applicant's representative, presented the applicant's case and showed a PowerPoint presentation (see recording for detailed presentation.)

01:26:02 Derek Triplett discussed the drainage of the development plan in detail.

Commissioner Carlson asked about the initial proposal in terms of senior housing compared to what this proposal is doing for senior housing. John Talbott explained this development will be market rate and open to people of all ages, and the development will be very walkable with services nearby which can support senior living. John Talbott

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went into detail on the previous proposal, which was going to be through Oaklawn (an assisted living facility), however this project is not related to that. Commissioner Carlson asked if there were going to be a certain number of units set aside for seniors only. Damon Garrett said they are going to work out an arrangement with Oaklawn to set aside units for seniors but also to discount units for their employees as well.

Commissioner Mims inquired about the traffic study. John Talbott said there would not be much impact on traffic and discussed the road improvements they are going to make.

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

Clay Barkley, Strobo & Barkley PPLC, 730 W. Main Street, Louisville, KY 40202

Adam Kirk, 137 McClelland Springs Drive, Georgetown, KY 40324

Marcel Robinson, 17300 Ashburton Drive, Louisville, KY 40245

Thurman Senn, 802 Locust Point Place, Louisville, KY 40245

Larry Smith, 614 Darnay Place, Louisville, KY 40245

Jeremy Rydberg, 607 Darnay Place, Louisville, KY 40245

Laura Hancock, 311 S. Beckley Station Road, Louisville, KY 40245

John Grigsby, 208 Wickfield Drive, Louisville, KY 40245

Timothy McMahon, 15004 Copperhill Way, Louisville, KY 40245

Paul Schmitt, 14106 Steerforth Court, Louisville, KY 40245

Wayne Zhou, 14512 Landis Lakes Drive, Louisville, KY 40245

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

01:43:02 Clay Barkley, representing the Copperfield community and neighbors, discussed opposition to the plan and showed a PowerPoint presentation (see recording for detailed presentation.) The site design is incompatible with the existing land design and there is concern with the density of the proposal.

John Talbott explained that he had not seen this traffic study. In the event of an appeal, Mr. Talbott made an objection to this testimony and traffic study.

01:47:50 Adam Kirk discussed the Traffic Impact Study done for this development and feels that it does not accurately reflect the proposed access plans. Mr. Kirk went

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into detail on other issues he found with the Traffic Impact Study (see recording for detailed presentation.)

01:54:40 Marcel Robinson clarified that the traffic study objected to by Mr. Talbott was not a new traffic study but just a review of the Traffic Impact Study done by the applicant. Mr. Robinson explained that he is uncomfortable with a potential 300 more cars attempting to use the Beckley Station Road intersection, as it is a bad intersection. Mr. Robinson is not opposed to development, but feels this development is too dense for the area.

01:56:11 Thurman Senn also echoed traffic concerns on Beckley Station and concerns with density of the development. Mr. Senn also held concerns about the size of the buildings and the lack of tree canopy and buffering for neighbors in the area. Mr. Senn also feels this use is incompatible with the area.

01:58:17 Larry Smith also wanted to echo the concerns for traffic, especially with the intersection at Beckley Station Road and feels it is already unsafe. Mr. Smith said the increase of traffic will make this intersection even more dangerous.

01:59:22 Jeremy Rydberg explained that six of the homes in Copperfield are on Beckley Station Road and these homes must backout onto the highway, and the Traffic Impact Study did not address how the increased traffic would affect this. Mr. Rydberg also said the images presented by the applicant's representative are different from the ones presented at the Lake Forrest neighborhood meeting, and the buildings are 50% larger in surface area on the front-facing area that will be facing Copperfield. Mr. Rydberg also had concerns about what the Copperfield neighbors would have to see from their homes when this development is finished.

02:02:08 Laura Hancock also expressed concerns with the Beckley Station Road intersection, explaining that her husband's sister-in-law was killed at this intersection due to the poor traffic patterns. Ms. Hancock explained the road has been over utilized for several years. She also expressed concerns with the road being widened, increases in traffic, and having to view this development's buildings and parking lots from her home. Ms. Hancock was happier with the original development but feels this development does not take the resident's safety into account, does not fit in with the aesthetic of the neighborhood, and is too dense for the area.

02:07:07 John Grigsby said most of the traffic traveling north on Beckley Station and turning onto Shelbyville Road are turning left. Very few of the cars traveling are turning right.

02:08:03 Timothy McMahon wanted to echo Ms. Hancock's concerns. With the additional traffic that utilizes the Parklands, it is very difficult from them to leave their home on weekends. Mr. McMahon thinks the road is too narrow and dangerous.

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02:09:38 Paul Schmitt said there is concerns over the future of the development and if it isn't built, what could happen to the property. Mr. Schmitt also has concerns about the changes to the Binding Elements.

02:12:07 Wayne Zhou echoed the concerns from Mr. Schmitt and Mr. Senn. Mr. Zhou also had concerns about traffic backups on Beckley Station Road from the increase of traffic. Mr. Zhou also has concerns about increase in traffic accidents that this development could bring.

02:14:23 Jeremy Rydberg also shared safety concerns about frequent stop vehicles.

Commissioner Carlson asked about traffic crash volumes. Adam Kirk discussed the crash history for the last three years in detail. Commissioner Brown asked if the crashes might correctable or what action the state might have taken to prevent those crashes in the future. Adam Kirk said a lot of these are congestion crashes and they would want to ease congestion.

Commissioner Carlson asked Diane Zimmerman about the crash history and if it was unusually high or typical to Louisville. Ms. Zimmerman said she did not look at the crash data.

There was detailed discussion about the Traffic Impact Study.

#### **Rebuttal:**

02:33:00 John Talbott addressed the opposition and concerns with the traffic and Binding Elements. Mr. Talbott said Louisville is in need of the diversity of housing in the area.

Commissioner Carlson asked about the building materials. Mr. Garrett said it would be a combination of Hardie, brick, and shingled roof. There will be no vinyl. Commissioner Carlson asked about the proportion of Hardie plank to brick. Mr. Garrett said a 75% Hardie to 25% brick proportion and went into detail on the buildings. Commissioner Carlson asked about amending the Binding Element about building materials. There was detailed discussion about amending a Binding Element to include building materials.

#### **02:49:07 Commissioners' deliberation.**

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

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

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CASE NO. 21-DDP-0110

#### Revised Detailed District Development Plan:

**WHEREAS**, the Louisville Metro Planning Commission finds the development will minimize disturbance of steep slope areas on site in accordance with Land Development Code section 4.7.5. The development will meet all tree canopy standards on the subject site, including preservation of existing trees in excess of the minimum preservation requirement; and

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

**WHEREAS**, the Commission further finds the applicant has provided open space in excess of the minimum requirements of the Land Development Code. The development meets the minimum requirements for recreational open space, including a variety of recreational activities on the subject site; and

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

**WHEREAS**, the Commission further finds the overall site design and land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all required setbacks; and

**WHEREAS**, the Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

#### Proposed Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place



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until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. The materials and design of proposed structures shall be substantially the same as depicted in the rendering/elevations as presented at the March 3, 2022, Planning Commission public hearing. The buildings will be constructed of a minimum of 75% Hardie plank siding and 25% brick and no vinyl siding shall be used.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The development shall be constructed in accordance with the techniques outlined in the Greenbaum and Associates Slope Stability Survey dated January 24, 2022.
7. Prior to requesting a Certificate of Occupancy, the applicant will widen South Beckley Station as shown on the applicant's presentation at the March 3, 2022 Planning Commission public meeting to provide a minimum of 230' of dedicated right turn stacking from South Beckley Station onto Shelbyville Road. Applicant will work with Louisville Metro Public Works and KYTC to provide for traffic light signal re-programming as deemed necessary.
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.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby APPROVE the Revised Detailed District Development Plan for case 21-DDP-0110 for the site at 400 Shelby Station Drive, along with the revisions to Binding Elements on page 8 of the

**PLANNING COMMISSION MINUTES**

**March 3, 2022**

**BUSINESS SESSION**

**CASE NO. 21-DDP-0110**

staff report, with a revision to proposed Binding Element #7 to add “as shown on the applicant’s presentation at the March 3, 2022 Planning Commission public meeting”, and a revision to proposed Binding Element #4 to state that it would be 75% Hardie plank siding, 25% brick, and no vinyl siding, based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, Carlson, Clare, Daniels, Seitz, Sistrunk, Price, and Howard.**

**NO: No one.**

**ABSTAIN: No one.**

**ABSENT: Commissioner Lewis.**

**PLANNING COMMISSION MINUTES**  
**March 3, 2022**

**ADJOURNMENT**

**The meeting adjourned at approximately 4:00 p.m.**

DocuSigned by:

*Marilyn Lewis*

Chairman

DocuSigned by:

*[Signature]*

Division Director