

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
October 19, 2017**

A meeting of the Louisville Metro Planning Commission was held on October 19, 2017 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

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

Commission members absent:

David Tomes

Staff Members present:

Emily Liu, Director, Planning and Design Services
Joseph Reverman, Assistant Director, Planning and Design Services
Brian Davis, Planning and Design Manager
Julia Williams, Planning and Design Supervisor
Laura Mattingly, AICP, Planner II
Joel Dock, Planner II
Travis Fiechter, Legal Counsel
John Carroll, Legal Counsel

The following matters were considered:

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APPROVAL OF MINUTES

OCTOBER 5, 2017 PLANNING COMMISSION REGULAR MEETING MINUTES

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

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on October 5, 2017.

The vote was as follows:

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

NOT PRESENT FOR THIS CASE: Commissioner Tomes

ABSTAINING: Commissioner Lindsey

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CONSENT AGENDA
CASE NO. 17STREETS1003

Case No: 17STREETS1003
Project Name: Grade Lane
Location: 1100 Grade Lane
Owner(s): Louisville Metro
Applicant: Department of Public Works – Jeff Brown
444 South 5th Street
Louisville, Ky. 40202

Representative(s): Department of Public Works – Jeff Brown
444 South 5th Street
Louisville, Ky. 40202

Jurisdiction: Louisville Metro
Council District: 21 – Dan Johnson
Case Manager: Joel P. Dock, Planner II

NOTE: Commissioner Brown recused himself and did not vote on this case.

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

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

Discussion

00:12:35 Mr. Dock stated, “This is a street closure of a portion of Grade Lane that has been relocated to the east. I don’t think there were any concerns noted at the LD&T meeting, with the exception of some fire access that Commissioner Carlson brought up.”

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.

13:30 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

WHEREAS, adequate public facilities are available to serve existing and future needs of the community. The roadway has previously been relocated; and

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WHEREAS, utilities within or along the rights-of-way proposed for closure will be retained as an easement, relocated, or other arrangements made to ensure continued maintenance and provision of services to the community; and

WHEREAS, any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities. The roadway has previously been relocated; and

WHEREAS, the Louisville Metro Planning Commission finds, the request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development; Guideline 7, Policy 6 strives to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code and/or an adopted urban mobility plan; Guideline 8, Policy 8 states that Adequate street stubs for future roadway connections that support access and contribute to appropriate development of adjacent lands should be provided by new development and redevelopment; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. The roadway has previously been relocated and the existing roadway is no longer necessary for the public; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no other relevant matters.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the street closure of a portion of Grade Lane based on the staff report and information heard at the LD&T meeting.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioners Brown and Tomes

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BUSINESS SESSION
BOZA APPOINTMENT

NOTE: This case was heard near the end of the agenda.

Appointment of Richard Buttorff to BOZA

Discussion:

02:18:00 Ms. Liu stated Mr. Dean Tharp has resigned from the Board of Zoning Adjustment. A new appointment is generally made by the mayor, but a clause from KRS 100.147 states that if after 60 days the mayor's office hasn't appointed anyone, the Planning Commission can make that appointment.

Staff has provided information to the commissioners to help make an informed decision.

02:24:44 Commissioner Peterson stated he knows Mr. Buttorff very well and has served on several committees with him. Also, he has a personal and working relationship with Mr. Buttorff and vouches for his character and knowledge.

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

02:25:40 On a motion by Commissioner Peterson, seconded by Commissioner Howard, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPOINT** Richard Buttorff as a new committee member of the Board of Zoning Adjustment based on the information provided and knowledge of the applicant. The term will be valid until June 30, 2018.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Tomes

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PUBLIC HEARING
CASE NO. 17STREETS1020

Case No: 17STREETS1020
Project Name: Morat Avenue Apartments
Location: Beta Avenue
Owner(s): City of Lyndon
Applicant: Continental Properties Company, Inc

Representative(s): Bardenwerper, Talbott, and Roberts, PLLC
John Talbott
1000 North Hurstbourne Parkway
Louisville, Ky. 40223

Jurisdiction: Lyndon
Council District: 18 – Marilyn Parker
Case Manager: Laura Mattingly, AICP, Planner II

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

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

Agency Testimony:

00:21:31 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Talbott, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:24:20 Mr. Talbott gave a power point presentation. The road was never built.

Deliberation

00:26:09 Planning Commission deliberation.

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

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

WHEREAS, adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or services as this is an unimproved right of way and it does not appear that any existing utilities will be affected. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property; and

WHEREAS, if any existing utilities within the right-of-way proposed for closure exist, they will be retained as an easement, relocated, or other arrangements made to ensure continued maintenance and provision of services to the property and community; and

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

WHEREAS, the Louisville Metro Planning Commission finds, the request to close the right-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development; Guideline 7, Policy 6 strives to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code and/or an adopted urban mobility plan; Guideline 8, Policy 8 states that Adequate street stubs for future roadway connections that support access and contribute to appropriate development of adjacent lands should be provided by new development and redevelopment; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. Any cost associated with the right-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess

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property owners of public access. All adjacent residential lands maintain access to public infrastructure and utility services will continue to be provided to these lands; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no other relevant matters to be considered by the Planning Commission.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to the city of Lyndon, **APPROVAL** of the closure of Beta Avenue based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Lindsey, Peterson, Smith and Jarboe
NOT PRESENT AND NOT VOTING: Commissioner Tomes

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PUBLIC HEARING
CASE NO. 17ZONE1004

Case No: 17ZONE1004
Request: R-6 to C-R
Project Name: Kylene's Photography
Location: 960 Ellison Avenue

Owner: Terry White, Jr.
Goldie Lou Properties
937 Lydia Street
Louisville, Ky. 40217

Applicant: Terry White, Jr.
Goldie Lou Properties
937 Lydia Street
Louisville, Ky. 40217

Representative: Terry White, Jr.
Goldie Lou Properties
937 Lydia Street
Louisville, Ky. 40217

Jurisdiction: Louisville Metro
Council District: 10 - Pat Mulvihill
Case Manager: Laura Mattingly, AICP, Planner II

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

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

Agency Testimony:

01:46:57 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

Deliberation

01:53:12 The commissioners agree the project is a good re-use, compatible and in order. There will be no negative impacts.

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

Zoning Change from R-6 to C-R

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

WHEREAS, the Louisville Metro Planning Commission finds, the site is located in the Traditional Neighborhood Form District and is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces; and

WHEREAS, the Louisville Metro Planning Commission further finds this proposal is preserving the character of the site and contributing to the overall character of the neighborhood by locating this use in an existing structure that is served by a grid pattern of streets and sidewalks, utilizing street parking and restoring a historically corner commercial use. The site will be multi-family and low-intensity non-retail commercial offering diverse housing choice and a neighborhood serving use. The site is located near Goss Avenue where several other corner commercial uses are located and is easily accessible via transit and by foot from nearby residences.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of Case No. 17ZONE1004, a zoning change from R-6 to C-R based on the staff report and testimony heard today.

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CASE NO. 17ZONE1004

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Tomes

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

Waiver of 10.2.4 to eliminate the required 15' property perimeter landscape buffer area and plantings along western property line.

WHEREAS, the waiver will not adversely affect adjacent property owners as the buildings are existing and there is an existing privacy fence in place for screening; and

WHEREAS, the waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of roadways through standards for buffers, landscape treatment, lighting and signs. These guidelines are not violated as the applicant has already provided adequate screening along the western property line and there will be no physical changes to the site to further screen from the adjacent property or the roadway; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the conditions are existing and no other relief is being requested; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as providing the full 15' LBA would require the demolition of the existing single family structure and accessory structure.

Detailed District Development Plan and Binding Elements

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

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

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

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

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area, as the character of the existing structure will remain relatively the same; and

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 17ZONE1004, a waiver of 10.2.4 to eliminate the required 15 foot property perimeter landscape buffer area and plantings along western property line and the Detailed District Development Plan along with the proposed binding elements on page 14 of the staff report based on the staff report and testimony heard today, **SUBJECT** to the following Binding Elements:

Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction.

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The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) or certificate of occupancy is requested:
 - a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.
5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Tomes

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PUBLIC HEARING
CASE NO. 17ZONE1029

Case No: 17ZONE1029
Project Name: Wissing Office
Location: 704 and 710 Breckenridge Lane

Owner(s): Patrick Wissing
Wissing Contracting Company
206 Breckenridge Lane, Suite B
Louisville, Ky. 40207

Applicant: Patrick Wissing
Wissing Contracting Company
206 Breckenridge Lane, Suite B
Louisville, Ky. 40207

Representative(s): Frost Brown Todd, LLC
Glenn Price
400 West Market Street, Suite 3200
Louisville, Ky. 40202

Jurisdiction: City of St. Matthews
Council District: 26 – Brent Ackerson
Case Manager: Joel P. Dock, Planner II

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

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

Agency Testimony:

01:57:52 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Glenn Price, Frost, Brown, Todd, LLC, 400 West Market Street, Louisville, Ky. 40202
Ann Richard, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

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Summary of testimony of those in favor:

02:05:41 Mr. Price gave a power point presentation. This is an adaptive reuse project. The existing building will be renovated and a sign is needed in the setback area. Variance criteria have all been met.

02:09:57 Ms. Richard said the sign has not been designed yet.

Deliberation

02:10:30 The commissioners agree the proposal provides a good reuse of the property and has proper justifications for the variances. The use is appropriate and it's a well thought out design.

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

Zoning Change from R-4 to OR-1

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

WHEREAS, the proposal and abutting existing OR district are independently located along a narrow arterial-level roadway. The intensity would appear to be appropriate as moving Southwest of the site and on the same side of the street the land uses are medium- to high-density multi-family uses within the R-7 zoning district. The request to rezone includes multi-family dwellings. The renderings and site plan display appropriateness in both scale and mass, while also being properly buffered which aid in mitigating any potential adverse impacts of the subject site from not being located in an existing neighborhood center; and

WHEREAS, the proposed zoning district and abutting existing OR district are low-intensity uses and located along an arterial-level roadway. Primary access to the subject site is obtained from this roadway. No access to local roads serving single-family residential uses is provided; and

WHEREAS, the proposal does not create a new center as the proposal is limited to a single parcel expansion of an existing OR zoning district. It is located in the neighborhood form district and includes the reuse and improvement of an existing single-family home for both office and residential use; and

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WHEREAS, the population surrounding the development is sufficient to support a wide variety of land uses as the subject site is located in an existing heavily populated neighborhood; and

WHEREAS, the proposed development is compact as the majority of the land is being utilized for impervious surface, structures, detention, and landscape buffer areas, and the sharing of improvements and infrastructure is created; and

WHEREAS, the proposal does not create a new center as the proposal is limited to a one parcel expansion of an existing OR zoning district. The expanded office district incorporates into and shares facilities with the abutting office parcel. Pedestrian connections have been to public ways and the incorporation of dwelling units in the structure allows for the ability for potential tenant to work and live simultaneously; and

WHEREAS, the proposal incorporates a residential component in the expanded portions of the existing structure proposed for office use; and

WHEREAS, the proposal does not create a new center as the proposal is limited to a one parcel expansion of an existing OR zoning district. Further, it is of a small scale and is compatible with the scale of office uses within the general vicinity; and

WHEREAS, access from a single curb-cut is shared from Breckenridge Lane. Parking is also shared between uses; and

WHEREAS, utilities would appear to be available to serve the development as it is located in an area of existing development and is currently serviced; and

WHEREAS, the Louisville Metro Planning Commission finds pedestrian connection has been made to the public way and bicycle parking is provided in a convenient location. The corridor is a transit corridor providing TARC service (routes 19 and 62) to nearby activity center, residential populations, and connecting transit corridors; and

WHEREAS, the Louisville Metro Planning Commission further finds materials are compatible with the existing character of the structure and surrounding neighborhood. Windows and a variation of material on all sides enhance compatibility.

WHEREAS, despite a single-parcel expansion into a residential area, the building materials, layout, landscape buffering, screening, and parking areas are limited in their overall impact on the character of the area and potential adverse impact as materials are in keeping with the character of the general vicinity; the intensity is compatible with nearby multi-family development; screening is provided abutting a single-family property and said screening is not beyond what is absolutely necessary to screen, while still

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maintaining compatibility with the character of the area; and parking is located to the side and rear of the office space and buffered from public ways and residences.; and

WHEREAS, there would not appear to be any nuisances created by odor or emissions as the site does not provide loading or delivery areas where vehicles may be left to idol.; and

WHEREAS, Breckenridge Lane is an arterial roadway. These roadways are intended to serve higher intensity uses in order to minimize impact on residential areas. Local roads in residential areas are not used to provide access; and

WHEREAS, lighting will be no more than required to provide safety; and

WHEREAS, the proposal is a higher intensity use then surrounding properties to the East, West, and North. It is located on a narrow arterial roadway. The corridor is a transit corridor providing TARC service (routes 19 and 62) to nearby activity center, residential populations, and connecting transit corridors.; and

WHEREAS, appropriate transitions in keeping with the character of the area are being provided. The facades seen from Plymouth Road are compatible with the character of the area as they possess consistent materials with the existing structure and surrounding area, and windows affording views into the business are provided. A privacy fence that is no more than the width of the parking at the rear is provided and does not extend into the street-side yard as privacy fences in street side or front yards would be inappropriate for the area; and

WHEREAS, a privacy fence that is no more than the width of the parking at the rear is provided and does not extend into the street-side yard as privacy fences in street side or front yards would be inappropriate for the area. Landscape buffers have been provided as required by Article 12; and

WHEREAS, parking areas are properly buffered from adjacent uses and public ways through Landscape buffers as required by Article 12 which are intended to buffer incompatible uses; and

WHEREAS, proposed sign will be monument style and located adjacent to a landscape buffer area to provide additional setback from pedestrian facilities and roads; and

WHEREAS, there are no apparent natural features on the subject site; and

WHEREAS, the proposal revitalizes an existing single-family home for office and residential uses; and

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WHEREAS, the use would not appear to generate large amounts of traffic. It is located along an arterial roadway with sidewalks. Pedestrian connection has been made to the public way and bicycle parking is provided in a convenient location. The corridor is a transit corridor providing TARC service (routes 19 and 62) to nearby activity center, residential populations, and connecting transit corridors.; and

WHEREAS, pedestrian facilities will be provided to improve safety at the access point along Breckenridge Lane; and

WHEREAS, it is located along an arterial roadway with sidewalks. Pedestrian connection has been made to the public way and bicycle parking is provided in a convenient location. The corridor is a transit corridor providing TARC service (routes 19 and 62) to nearby activity center, residential populations, and connecting transit corridors; and

WHEREAS, cross-connectivity and shared access to the primary public way is being provided; and

WHEREAS, no additional right-of-way has been requested; and

WHEREAS, ddequate parking is provided to support the use; and

WHEREAS, stub connections would not be appropriate for these uses as it would encourage expansion into residential areas; and

WHEREAS, MSD has approved the preliminary plan; and

WHEREAS, there are no apparent natural systems on-site; and

WHEREAS, LWC has no concerns;

WHEREAS, The Proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy B.3 because it is located in the Neighborhood Form District. The Proposal is consistent with the Neighborhood Form District because the proposed office at 704 Breckinridge Lane and the existing offices at 710 Breckinridge Lane will be connected for vehicular and pedestrian movement. As such, they constitute a neighborhood center that provides neighborhood-serving services on a minor arterial (i.e.,Breckinridge Lane) which is located on a comer lot (i.e., 704 Breckinridge Lane lies at the southwest intersection of Breckinridge Lane and Plymouth Road). The proposed scale of the use is appropriate because offices and medium-to-high density multi-family uses lie on the same side of Breckinridge Lane as the Proposal; and

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WHEREAS, the Proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 1,4,5,6, 11,13, 14, 15 and 16. 704 Breckinridge Lane and 710 Breckinridge Lane will constitute an activity center in the Neighborhood Form District at a street intersection with the major street (Breckinridge Lane) being a minor arterial and includes new construction and re-use of an existing single-family home. The population surrounding the development is sufficient to support a wide variety of land uses. The Proposal constitutes a compact development because most of the site will be used for impervious surface, structures, detention and landscape buffer areas. Utilities will be designed and located pursuant to direction of each individual utility. Pedestrian access along sidewalks (Breckinridge Lane) is presently available and will remain. Bicycle facilities will be provided. Appropriately located parking facilities will be shared and there will be a single access point on Breckinridge Lane and will be safe for motorists, bicyclists and pedestrians. A Cross-Access and Shared Parking Agreement will be entered into between the ownership interests of 704 and 710 Breckinridge Lane; and

WHEREAS, the Proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1,2,3,4,5,6, 7, 8, 9, 12,21,22,23,2 and 28. The Proposal will feature a building design that is in harmony with development in the vicinity, including building size, scale and materials. The proposed office will have no adverse impact on nearby residences because traffic to and from the site will not be intense; there will be no excessive lighting and no noise, odor, adverse air quality emissions or adverse visual impacts. The building will be accessible to people with disabilities consistent with federal, state and local laws. Landscaping and landscape buffers will ensure that nearby residences are not adversely impacted by the Proposal. Parking impacts will be mitigated by the location of the parking field to the rear of the site and between the building at 704 Breckinridge Lane and the building at 710 Breckinridge Lane. An appropriately sized free-standing monument sign will be located along the Breckinridge Lane site frontage. Landscaping and a 6-foot tall privacy fence are proposed along the rear yard line, as shown on the development plan. The Transit Authority of River City ("TARC") Transit Route No. 62 provides public transit service along Breckinridge Lane in front of the site.

WHEREAS, the Proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 1,2,3,6 and 7. There are no natural features, historic resources or distinctive cultural features on the subject site. The Proposal seeks to revitalize an existing single family home for office use. There are no environmental issues related to soils on the subject site

WHEREAS, the Proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 1, 2 and 4. Bicycle facilities will be located on-site. Sidewalks presently exist along Breckinridge Lane and

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will continue to exist. Transit Route 62 traverses Breckinridge Lane (in front of 704 Breckinridge Lane).

WHEREAS, the Proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 1,2, 3,4, 7, 10 and 11. It is anticipated that the Metropolitan Sewer District ("MSD") will approve the Proposal; MSD's approval will indicate, among other things, that the proposed development will have adequate detention facilities to accommodate run-off water, that the development will facilitate "through" drainage systems, and that peak stormwater runoff rates after development are consistent with regional and watershed plans and are mitigated appropriately on-site. Post construction runoff rates will not exceed pre-development rates

WHEREAS, the Proposal conforms to Air Quality Guideline 12 and all applicable policies adopted thereunder, including Policies 1, 3, 5 and 8. The Proposal has been reviewed by the Louisville Air Pollution Control District and has been found not to have a negative impact on air quality.

WHEREAS, the Proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 2 and 4. Landscaping will be provided on-site in accordance with the applicable regulations. Landscaping materials will be native plant species.

WHEREAS, the Proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 7. Adequate utility services are located at and are available to the subject site. Potable water and water for fire-fighting purposes are available to the site via Louisville Water Company facilities. Utilities will be located underground, if available, and will be located within easements as directed by the applicable utility.

WHEREAS, the Proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 9. The site will receive fire protection services from the St. Matthews Fire District.

WHEREAS, utilities and essential public services are presently available to the site. The site is located at an infill location.

WHEREAS, it is anticipated that the Proposal will be implemented upon successfully obtaining all zoning-related approvals.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to the city of St. Matthews, **APPROVAL** of a zoning change from R-4, single-family residential to OR-1, office-residential at 704 Breckenridge Ln.

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YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Lindsey, Peterson, Smith and Jarboe
NOT PRESENT AND NOT VOTING: Commissioner Tomes

Conditional Use Permit for off-street parking (Article 15, section 15) at 704 Breckenridge Lane

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

WHEREAS, the proposal is consistent with applicable policies of the Comprehensive Plan as Guideline 7, Policies 10, 13, & 16 provide that proposals should have adequate parking to support the use and that joint and cross access through the development and to adjacent development sites is provided. The site provides shared access and parking which is sufficient to accommodate residents and users of the office; and

WHEREAS, the proposal is consistent with surrounding land uses and the general character of the area as the parking spaces requiring the conditional use permit are shared, immediately abutting, and crossing the property with the adjacent office use and district; and

WHEREAS, preliminary approvals have been received by the Metropolitan Sewer District and Transportation Planning. Pedestrian connection to public ways and safe vehicular access to be shared is provided; and

WHEREAS, the Louisville Metro Planning Commission further finds an off-street parking area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the listed requirements.

- a. The area shall be located within 200 feet of the property on which the building to be served is located.
- b. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.
- c. The minimum front, street side, and side yards required in the district shall be maintained free of parking.
- d. All driveways and the area used for the parking of vehicles shall be surfaced with a hard and durable material and be properly drained.

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e. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.

f. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the Director of Works for the City of Louisville or the County Engineer for Jefferson County prior to use of the parking area.

g. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for traffic engineering prior to the public hearing on the conditional use permit.

The proposal complies with the standards contained in LDC 4.2.51, with the exception of the item 'c' from which a variance is being requested to eliminate the side yard between 710 and 704 Breckenridge Lane to accommodate the parking spaces crossing the boundary.

WHEREAS, the proposal conforms to Community Form Guideline 1 and all applicable policies adopted thereunder, including Policy B.3 because it is located in the Neighborhood Form District. The Proposal is consistent with the Neighborhood Form District because the proposed office at 704 Breckinridge Lane and the existing offices at 710 Breckinridge Lane will be connected for vehicular and pedestrian movement. As such, they constitute a neighborhood center that provides neighborhood-serving services on a minor arterial (i.e., Breckinridge Lane) which is located on a corner lot (i.e., 704 Breckinridge Lane lies at the southwest intersection of Breckinridge Lane and Plymouth Road). The proposed scale of the use is appropriate because offices and medium-to-high density multi-family uses li on the same side of Breckinridge Lane as the Proposal; and

WHEREAS, the Proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 1, 4, 5, 6, 11, 13, 14, 15 and 16. 704 Breckinridge Lane and 710 Breckinridge Lane will constitute an activity center in the Neighborhood Form District as a street intersection with the major street (Breckinridge Lane) being a minor arterial and includes new construction and re-use of an existing single-family home. The population surrounding the development is sufficient to support a wide variety of land uses. The Proposal constitutes a compact development because most of the site will be used for impervious surface, structures, detention and landscape buffer areas. Utilities will be designed and located pursuant to direction of each individual utility. Pedestrian access along sidewalks (Breckinridge Lane) is presently available and will remain. Bicycle facilities will be provided. Appropriately located parking facilities will be shared and there will be a single access point on Breckinridge

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Lane and will be safe for motorists, bicyclists and pedestrians. A Cross-Access and Shared Parking Agreement will be entered into between the ownership interests of 704 and 710 Breckinridge Lane; and

WHEREAS, the Proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 21, 22, 23, 24 and 28. The Proposal will feature a building design that is in harmony with development in the vicinity, including building size, scale and materials. The proposed office will have no adverse impact on nearby residences because traffic to and from the site will not be intense; there will be no excessive lighting and no noise, odor, adverse air quality emissions or adverse visual impacts. The building will be accessible to people with disabilities consistent with federal, state and local laws. Landscaping and landscape buffers will ensure that nearby residences are not adversely impacted by the Proposal. Parking impacts will be mitigated by the location of the parking field to the rear of the site and between the building at 704 Breckinridge Lane and the building at 710 Breckinridge Lane. An appropriately sized free-standing monument sign will be located along the Breckinridge Lane site frontage. Landscaping and a 6-foot tall privacy fence are proposed along the rear yard line, as shown on the development plan. The Transit Authority of River City ("TARC") Transit Route No. 62 provides public transit service along Breckinridge Lane in front of the site; and

WHEREAS, the Proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 6 and 7. There are no natural features, historic resources or distinctive cultural features on the subject site. The Proposal seeks to revitalize an existing single-family home for office use. There are no environmental issues related to soils on the subject site; and

WHEREAS, the Proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 6, 9, 10, 13. A right-of-way dedication of 40-feet from the centerline of Breckinridge Lane will be granted from the subject site, as shown on the development plan. Breckinridge Lane is a transit route. Joint and cross-access will be provided between 704 and 710 Breckinridge Lane. Adequate parking is provided pursuant to the applicable code in effect in St. Matthews. Unified access and circulation are provided for on-site; and

WHEREAS, the Proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 1, 2 and 4. Bicycle

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facilities will be located on-site. Sidewalks presently exist along Breckinridge Lane and will continue to exist. Transit Route 62 traverses Breckinridge Lane (in front of 704 Breckinridge Lane); and

WHEREAS, the Proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 7, 10 and 11. It is anticipated that the Metropolitan Sewer District (“MSD”) will approve the Proposal; MSD’s approval will indicate, among other things, that the proposed development will have adequate detention facilities to accommodate run-off water, that the development will facilitate “through” drainage systems, and that peak stormwater runoff rates after development are consistent with regional and watershed plans and are mitigated appropriately on-site. Post-construction runoff rates will not exceed pre-development rates; and

WHEREAS, the Proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 1, 3, 5 and 8. The Proposal has been reviewed by the Louisville Air Pollution Control District and has been found not to have a negative impact on air quality; and

WHEREAS, the Proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2,3,4,6 and 7. Adequate utility services are located at and are available to the subject site. Potable water and water for fire-fighting purposes are available to the site via Louisville Water Company facilities. Utilities will be located underground, if available, and will be located within easements as directed by the applicable utility; and

WHEREAS, the Proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 9. The site will receive fire protection services from the St. Matthews Fire District.

The Proposal conforms to these and all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan.

Utilities and essential public services are presently available to the site. The site is located at an infill location.

It is anticipated that the Proposal will be implemented upon successfully obtaining all zoning-related approvals.

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RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a conditional use permit for off-street parking at 704 Breckenridge Lane.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Tomes

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

Variance of Article 5, section 5.2.C.2.c to allow an encroachment of 19' for proposed building addition and 2' for proposed parking into 25' street side yard setback at 704 Breckenridge Lane

WHEREAS, the requested variance will not adversely affect public health safety or welfare as the variance does not pose any immediate risks to the movement of pedestrians or vehicles, or abutting property owners; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as the building addition extends the existing building wall of the current structure and parking will be screened from abutting public ways and properties. Further, building materials are consistent with the existing structure and compatible with the overall character of the area; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public as it does not pose any immediate risks to the movement of pedestrians or vehicles, or abutting property owners; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of zoning regulations as the building addition continues the existing building wall and is designed to be compatible with the surrounding area with respect to material and scale. The parking areas only slightly encroach into the setback, but it will be screened and buffered from public ways and abutting properties; and

WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the existing

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residential property is being rehabilitated to accommodate an office and multi-family dwellings, and parking are only slightly encroaching upon the setback to ensure the proper movement of vehicles; and

WHEREAS, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as the variance does not adversely affect the public health, safety or welfare, no hazards or nuisances are created, and the improvements are generally compatible with the character of the area; and

WHEREAS, the Louisville Metro Planning Commission further finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

WHEREAS, the proposed 5-foot street side yard setback from the Plymouth Road property line will allow the building addition to be set back the same distance from the property line as is the existing building. Moreover, both the existing building and the proposed addition will be 25-feet from the street edge of Plymouth Road. This distance is sufficient so that the building addition location will not adversely affect the public health, safety or welfare.

Three (3) proposed parking spaces are proposed to be set back 22 feet from the Plymouth Road property line. The parking spaces will be buffered from Plymouth Road by a 15-foot landscape buffer area, which will ensure that the parking spaces will not adversely affect the public health, safety or welfare; and

WHEREAS, the variance will not alter the essential character of the general vicinity because the building addition will be set back from the Plymouth Road street side yard as the existing building, thereby observing the existing location of the building in relation to Plymouth Road. The proposed three (3) parking spaces will be set back 22 feet from the Plymouth Road property line. Because these spaces will be buffered by a 15-foot landscape buffer area, the essential character of the general vicinity will not be changed; and

WHEREAS, because (a) the building and the addition will be set back 25-feet from the street edge of Plymouth Road, and because the three (3) proposed parking spaces will be protected by the 15-foot landscape buffer, the variance will not cause a hazard or nuisance to the public; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulation because (a) the building addition will follow the

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existing north line of the building, and (b) the proposed parking spaces are only 3-feet short of fully complying with the 25-foot setback; and

WHEREAS, this property, 704 Breckinridge Lane, is the only property in the general vicinity which abuts an OR-zoned property. That factor constitutes a special circumstance which does not apply to land in the general vicinity; and

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship because the proposed building addition is proposed to be no closer to Plymouth Road than is the existing building and the parking spaces will not be visible from Plymouth Road due to the buffering and screening in the 15-foot landscape buffer area; and

WHEREAS, the circumstances giving rise to the variance are the result of the geometric shape of the applicant.

Variance of Article 5, section 5.1.2.C.2.b & 5.2.C.2.b to eliminate the side yard for proposed parking spaces across shared property line

WHEREAS, the requested variance will not adversely affect public health safety or welfare as the variance request is internal to the subject site as shown on the development plan and is enhances consistency with the Comprehensive Plan; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as the area of the variance is contained between the two shared vehicle use areas of the development; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public as the requested area of the variance is internally contained within the development sites; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of zoning regulations as it allows for the enhancement of the developments consistency with the Comprehensive Plan; and

WHEREAS, the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as properties developed similarly to that proposed should strive as suggested by the Comprehensive Plan to provide shared parking facilities and access in order to limit trips and improve safety on roadways and within parking areas; and

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WHEREAS, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as the regulations are inconsistent with the Guidelines and Policies of the Comprehensive Plan; and

WHEREAS, the Louisville Metro Planning Commission further finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

WHEREAS, the purpose of these variances is to allow seven (7) parking spaces to be located over the common side property line of 704-710 Breckinridge Lane. Because these parking are interior to these lots and because parking is provided to serve both sites, the variances will not adversely affect the public health, safety or welfare; and

WHEREAS, because the parking spaces that would be permitted due to the grant of the variances are interior to the lots the variances will not alter the essential character of the general vicinity; and

WHEREAS, it is anticipated that the proposed variances will be approved by Traffic Review. The approval of Traffic Review will indicate, among other things, that the location of the proposed parking spaces will be safe for motorists, pedestrians and bicycles. Hence, the approval will indicate that the grant of the variances will not cause a hazard or nuisance to the public; and

WHEREAS, allowing the proposed seven (7) parking spaces to cross the common side yard line will permit the use of a common drive and common parking spaces for both lots. This will not allow an unreasonable circumvention of the requirements of the zoning regulations; and

WHEREAS, 704 Breckinridge Lane and 710 Breckinridge Lane will be the only lots in the general vicinity not to be zoned solely for residential use. They will be the only lots in the general vicinity to be permitted to have office and/or residential use. Hence, the variances arise from special circumstances which do not generally apply to land in the general vicinity; and

WHEREAS, if the regulations were strictly applied, both 704 Breckinridge Land and 710 Breckinridge Lane would be required to have separate parking facilities and each would have a 5-foot side yard setback. Because both of these lots will be used for office use (and/or residential use) and have a common vehicular entrance on Breckinridge Lane and a common parking area, strictly applying the regulations would cause an unnecessary hardship on the applicant; and

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WHEREAS, the circumstances giving rise to the variances are the result of the common use of both properties for offices. The zone change for 710 Breckinridge Lane was granted by the St. Matthews City Council and the proposed zone change for 704 Breckinridge Lane, if approved, will have been granted by the St. Matthews City Council. Hence, the circumstances giving rise to the variances are not the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought.

Variance of Article 5, section 5.2.C.2.d to allow a variable setback of the rear yard for proposed parking and vehicle use areas at 704 Breckenridge Lane

WHEREAS, the requested variance will not adversely affect public health safety or welfare as a single parking space and maneuvering area to accommodate the safe movement of vehicles is provided in the area of the setback. A fence provides separation and a clearly defined boundary from the abutting residential property; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as a privacy fence that is no more than the width of the parking at the rear is provided to shield lights or emissions from abutting properties is provided, and this fence does not extend into the street-side yard as privacy fences in street side or front yards would be inappropriate for the area; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public as the maneuvering area that encroaches into the setback is needed to allow for the safe movement of vehicles in/out of parking spaces; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of zoning regulations as adequate screening is provided to mitigate the impact on abutting uses; and

WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the sites depth and width is limited and the variance is needed to accommodate the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as adequate parking and maneuvering areas to serve the use would not be practical without the variance requested

WHEREAS, the Louisville Metro Planning Commission further finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

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WHEREAS, the rear parking area will be buffered from the abutting single-family property on Plymouth Road [Clemons Properties I, LLC] a 5-foot landscape buffer area with a 6-foot tall privacy fence is proposed, which will protect the abutting property from the view of vehicles in the parking lot and the impact of automobile lights that might otherwise exist; and

WHEREAS, because the parking spaces will be buffered from the abutting single-family property on Plymouth Road by landscaping and a privacy fence the variances will not alter the essential character of the general vicinity; and

WHEREAS, the variance will not cause a hazard or nuisance to the public because the parking spaces will be buffered from the abutting single-family property on Plymouth Road with landscaping and a privacy fence; and

WHEREAS, the grant of the variance will only allow one (1) parking space to be located within the 25-foot rear yard setback; this variance would not be an unreasonable circumvention of the requirements of the zoning regulations; and

WHEREAS, the need for the variance arises from the long shape of the lot, which is a special circumstance which does not generally apply to land in the general vicinity; and

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship; and

WHEREAS, the circumstances giving rise to the variance are not the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought.

Variance of Article 11, section 11.B.1 to allow a sign within the 25' front yard as shown

WHEREAS, the requested variance will not adversely affect public health safety or welfare as the signage does not impact visibility for pedestrians or motorists; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as the sign will be monument style; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public as the signage does not impact visibility for pedestrians or motorists; and

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WHEREAS, the requested variance will not allow an unreasonable circumvention of zoning regulations as signage should be visible to passers-by and signage at the location proposed is consistent with the form district; and

WHEREAS, the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as all similar zones are subject to sign regulations prohibited front yard or street side yard signs without a variance; and

WHEREAS, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as the sign regulations as contained in the Development Code in effect in the City of St. Matthews are inconsistent with the Comprehensive Plan and form district overlaying the area; and

WHEREAS, the Louisville Metro Planning Commission further finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the following variances: Variance of Article 5, section 5.2.C.2.c to allow an encroachment of 19 feet for the proposed building addition and 2 feet for the proposed parking into the 25 foot street side yard setback at 704 Breckenridge Ln; Variance of Article 5, section 5.1.2.C.2.b and 5.2.C.2.b to eliminate the side yard for the proposed parking spaces across the shared property line; Variance of Article 5, section 5.2.C.2.d to allow a variable setback of the rear yard for the proposed parking and vehicle use areas at 704 Breckenridge Ln.; Variance of Article 11, section 11.B.1 to allow a sign within the 25 foot front yard as shown on the development plan.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Tomes

Revised Detailed District Development Plan

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

WHEREAS, the do not appear to be any environmentally sensitive features on the subject site; and

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WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as pedestrian connections are available to the public way. The corridor is a transit corridor providing TARC service (routes 19 and 62) to nearby activity centers, residential populations, and connecting transit corridors. Access is from a single curb-cut on Breckenridge Lane, an arterial roadway, and shared between the parcels. Parking is also shared between uses. No access to local roads serving single-family residential uses is provided; and

WHEREAS, open space is not required for this application; and

WHEREAS, the Metropolitan Sewer District has approved the preliminary development plan; and

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the surrounding area as the use, building materials, layout, landscape buffering, screening, and parking areas are limited in their overall impact on the character of the area and potential adverse impact as materials are in keeping with the character of the general vicinity; the intensity is compatible with nearby multi-family development; appropriate screening is provided abutting single-family properties and this screening is not beyond what is absolutely necessary to mitigate incompatibility, while still maintaining compatibility with the overall character of the area; access is limited to an arterial roadway; and parking is located to the side and rear of the structure and buffered from public ways and single-family residences; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in the Cornerstone 2020 Staff Checklist for the change in zoning request contained in *Attachment 3* of the staff report, and further demonstrated in staff's finding and analysis.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to the city of St. Matthews, **APPROVAL** a Revised Detailed District Development Plan for 710 Breckenridge Ln. based on the staff report and testimony heard today; and subject to the following binding elements:

Binding Elements

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

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

2. The development shall not exceed 8,000 square feet of gross floor area.
3. No outdoor advertising signs, 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) 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. Any sign must be approved by the City Council, with a variance, if required.
6. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission and the City of St. Matthews.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the

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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 and the City of St. Matthews.

8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
9. 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.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 6, 2013 Planning Commission meeting.
11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
12. Outdoor lighting in the rear parking lot shall have 90-degree cutoff and shall be directed down and away from adjoining residential properties.
13. The dumpster as shown on the Development Plan, if used, shall be moved away from the residences and close to the office building.
14. The above binding elements may be amended as provided for in the Zoning District Regulations upon approval of the City of St. Matthews.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Tomes

PLANNING COMMISSION MINUTES
October 19, 2017

PUBLIC HEARING
CASE NO. 17ZONE1029

Detailed District Development Plan

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

WHEREAS, the do not appear to be any environmentally sensitive features on the subject site. The existing structure will be rehabilitated and expanded upon in a manner consistent with the area; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as a pedestrian connection has been made to the public way and bicycle parking is provided in a convenient location. The corridor is a transit corridor providing TARC service (routes 19 and 62) to nearby activity centers, residential populations, and connecting transit corridors. Access is from a single curb-cut on Breckenridge Lane, an arterial roadway, and shared between the parcels. Parking is also shared between uses. No access to local roads serving single-family residential uses is provided; and

WHEREAS, open space is not required for this application; and

WHEREAS, the Metropolitan Sewer District has approved the preliminary development plan; and

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the surrounding area as the use, building materials, layout, landscape buffering, screening, and parking areas are limited in their overall impact on the character of the area and potential adverse impact as materials are in keeping with the character of the general vicinity; the intensity is compatible with nearby multi-family development; appropriate screening is provided abutting single-family properties and this screening is not beyond what is absolutely necessary to mitigate incompatibility, while still maintaining compatibility with the overall character of the area; access is limited to an arterial roadway; and parking is located to the side and rear of the structure and buffered from public ways and single-family residences; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in the Cornerstone 2020 Staff Checklist for the change in zoning request contained in *Attachment 3* of the staff report, and further demonstrated in staff's finding and analysis.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to the city of St. Matthews, **APPROVAL** of a Detailed District

PLANNING COMMISSION MINUTES
October 19, 2017

PUBLIC HEARING
CASE NO. 17ZONE1029

Development Plan for 704 Breckenridge Ln. based on the staff report and testimony heard today, **SUBJECT** to the following Binding Elements:

Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the

PLANNING COMMISSION MINUTES
October 19, 2017

PUBLIC HEARING
CASE NO. 17ZONE1029

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 and the City of St. Matthews.

6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
8. Outdoor lighting in the rear parking lot shall have 90-degree cutoff and shall be directed down and away from adjoining residential properties.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Tomes

**PLANNING COMMISSION MINUTES
October 19, 2017**

**APPROVAL OF MINUTES
CASE NO. 17AREA1001 ONLY**

02:36:31

**OCTOBER 19, 2017 PLANNING COMMISSION MINUTES OF CASE NO.
17AREA1001 ONLY**

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

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of the October 19, 2017 meeting, Case No. 17AREA1001 with the amendment to add Julia Williams' name under Staff Members Present.

The vote was as follows:

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

NOT PRESENT FOR THIS CASE: Commissioner Tomes

**PLANNING COMMISSION MINUTES
October 19, 2017**

**APPROVAL OF MINUTES
CASE NO. 16STREETS1022 ONLY**

02:37:55

**OCTOBER 19, 2017 PLANNING COMMISSION MINUTES OF CASE NO.
16STREETS1022 ONLY**

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

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of the October 19, 2017 meeting, Case No. 16STREETS1022 ONLY with the amendment to add Julia Williams' name under Staff Members Present.

The vote was as follows:

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

NOT PRESENT FOR THIS CASE: Commissioner Tomes

PLANNING COMMISSION MINUTES
October 19, 2017

STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy and Procedures Committee

No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 3:42 p.m.



Chair



Planning Director