

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION MEETING  
FEBRUARY 1, 2018**

A meeting of the Louisville Metro Planning Commission was held on February 1, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

**Commissioners present:**

Vince Jarboe, Chair  
Marilyn Lewis, Vice Chair  
Jeff Brown  
Lula Howard  
Ramona Lindsey  
Rich Carlson  
Emma Smith

**Commissioners absent:**

David Tomes  
Laura Ferguson  
Robert Peterson

**Staff members present:**

Emily Liu, Director, Planning & Design Services  
Brian Davis, Planning & Design Manager  
Julia Williams, Planning & Design Supervisor  
Laura Mattingly, Planner II  
Joel Dock, Planner II  
Jay Lockett, Planner I  
John Carroll, Legal Counsel  
Travis Fiechter, Legal Counsel  
Paul Whitty, Legal Counsel  
Kristen Padron, Management Assistant

The following matters were considered:

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**APPROVAL OF MINUTES**

**JANUARY 18, 2018 PLANNING COMMISSION *ANNUAL* MEETING MINUTES**

**00:09:00** On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of its annual meeting conducted on January 18, 2018.

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, and Carlson**

**NOT PRESENT: Peterson, Ferguson, and Tomes**

**ABSTAINING: Smith**

**JANUARY 18, 2018 PLANNING COMMISSION *REGULAR* MEETING MINUTES**

**00:10:00** On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of its regular meeting conducted on January 18, 2018.

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, and Carlson**

**NOT PRESENT: Peterson, Ferguson, and Tomes**

**ABSTAINING: Smith**

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**PUBLIC HEARING**

**CASE NUMBER 17ZONE1050**

Project Name: Louisville City FC  
Location: 237-243, 249-251, 255-257, 261, 267-275, & 270 N. Campbell St.,  
250, 350, 375, & 1080 Adams St., 214, 225-229, 249-257, 261-  
265, & 271 Mill St., 200, 203/203R Cabel St., 275 N Shelby St.  
Owner(s): Louisville Metro Government, Outdoor Systems Inc., Waterfront  
Development Corp., & LG&E  
Applicant: Louisville City FC  
Jurisdiction: Louisville Metro  
Council District: 4-Barbara Sexton Smith  
Case Manager: Julia Williams, RLA, AICP, Planning Supervisor

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:**

**00:11:24** Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

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

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., Louisville, KY 40223  
Kent Gootee, 5151 Jefferson Blvd., Louisville, KY 40219  
Diane Zimmerman, 12803 High Meadows Pike, Prospect, KY 40059

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

**00:25:05** Bill Bardenwerper summarized the applicant's proposal and showed a presentation.

**00:33:56** Kent Gootee spoke about the technical details of the site plan and prospective building usage.

**00:38:10** Mr. Bardenwerper continued his presentation.

**00:40:30** Diane Zimmerman spoke about the traffic analysis she conducted for this proposal noting the benefit of the numerous access points to this site.

**00:43:07** Mr. Bardenwerper responded to questions from the Commissioners and spoke about the proposed binding elements.

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**00:48:30** Mr. Gootee responded to questions from the Commissioners.

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

No one spoke.

**Deliberation:**

**00:58:30** The Commissioners concur that the proposal is justified.

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

**Change in Form District from Traditional Neighborhood to Downtown**

**01:02:37** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Cornerstone 2020 Checklist, the applicant's findings of fact, and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal involves the closure of Mill Street which currently runs through a private business and several unimproved alleyways. The closure of these rights of way will not disturb the existing grid pattern or access to adjacent property. The sidewalk network will be expanded. EZ-1 permits more regional land uses. The proposal is not for a neighborhood center. The proposal is more appropriately located within a Downtown Form which is being requested. The proposal is not located adjacent to public open spaces but is located in close proximity to Waterfront Park. The existing buildings on the site are not historic and are not consistent with the neighborhood, and

**WHEREAS**, the Commission further finds that the proposal meets the Community Form guideline because the proposal is more in keeping with the Downtown Form than the existing Traditional Neighborhood because EZ-1 allows for many different land uses that are more regionally focused rather than ones that are more neighborhood focused. The proposal involves the closure of Mill Street which currently runs through a private business and several unimproved alleyways. The closure of these rights of way will not disturb the existing grid pattern or access to adjacent property. The sidewalk network will be expanded to encourage pedestrian activity from the nearby area as well as the transit that is available along Story Ave. and Main Street which are in the area. On and off street parking is available while transit is not directly available to the area, and

**WHEREAS**, the Commission further finds that the proposal meets the Centers guideline because the proposal will create a new center in the DFD that includes new construction. EZ-1 zoning allows for commercial, office, and residential. The Butchertown Neighborhood Plan calls for the evaluation of the status of industrial-zoned properties to determine those properties suitable for EZ-1 or other mixed use zoning, to reduce the secondary (nuisance) impacts of

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existing industrial operations on residents and retail businesses and to redevelop/rehabilitate industrial buildings for office, retail, mixed-use, or multi-family residential if industrial uses are no longer viable. The proposed EZ-1 zoning is located in a former industrial area with other EZ-1 property included in the overall development. The proposal is for more regional uses that will draw most of its population from outside the neighborhood. The Butchertown Neighborhood does not have the density itself to solely support the development. The proposed EZ-1 zoning would result in an efficient land use pattern as the Butchertown neighborhood in this area already has existing EZ-1 zoning. The infrastructure needs for this mixed use zoning would be met with the existing roads and utilities. The proposed EZ-1 zoning permits a mix of uses that could be compatible and reduce trips. Sidewalks and pedestrian connectivity is being expanded in the area to encourage alternate form of transportation. While transit is not directly available to the site, it is available within a somewhat reasonable walking distance at Story Ave and Main Street. The proposal is for multi-story and some multi-use buildings. The development is designed to be multi-purpose which is consistent with the proposed EZ-1 zoning. There are proposed "common" areas and public plazas. Parking areas are located outside the central activity area and away from the pedestrian oriented plazas. Utilities will be shared and coordinated with all the proposed uses within the development. Sidewalks and pedestrian connectivity is being expanded in the area to encourage alternate form of transportation. While transit is not directly available to the site, it is available within a somewhat reasonable walking distance at Story Ave and Main Street. Vehicles have easy access to the site, and

**WHEREAS**, the Commission further finds that the proposal meets the Compatibility guideline because buildings will meet the requirements of the LDC. Due to the site's location bound by a railroad and an expressway there is no clear scale or site design to compare it with. Most of the buildings are oriented toward the street and are multi-story which is consistent with the Downtown Form. The proposal is not a non-residential expansion into a residential area. APCD has no issues with the proposal. Transportation Planning has not indicated any issues with traffic for the proposal. Lighting will meet LDC requirements. The proposal is not located adjacent to incompatible developments or zoning. There are no nearby developments to compare the site in order to determine compliance. The development site is establishing its own pattern of development that is mainly consistent with the Downtown Form. All VUA LBA buffers are in compliance with the LDC. Signs will meet form district requirements, and

**WHEREAS**, the Commission further finds that the proposal meets the Open Space guideline because open space is provided as common areas and plazas within the development site, and

**WHEREAS**, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because the proposal does not have structures or land that is recognized as being historic. The development is located in an area with highly erodible soils but is also in an area where there is existing development on all the lots, and

**WHEREAS**, the Commission further finds that the proposal meets the Economic Growth and Sustainability guideline because the development site has easy access to multiple levels of roadways. The proposal is for the creation of the downtown form in this area but the proposal is consistent with the downtown forms pattern of development. The lots involved in the development site are being redeveloped for a greater use than the existing development on the

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sites. The site is in an existing industrial subdivision and the proposal is for mixed use, commercial/industrial which is consistent with the existing zoning on several parts of the site. The proposal for EZ-1 zoning will be for the development of a new activity center that would generate large amounts of traffic. The surrounding roadways are mainly local level with the exception of E. Witherspoon (minor arterial), N Shelby (primary collector), and Adams Street (primary collector). The closest major arterial is Main Street/Story Avenue to the south. The proposal for EZ-1 zoning will be for a development that would have more than 100 employees. The surrounding roadways are mainly local level with the exception of E. Witherspoon (minor arterial), N Shelby (primary collector), and Adams Street (primary collector). The closest major arterial is Main Street/Story Avenue to the south, and

**WHEREAS**, the Commission further finds that the proposal meets the Circulation guideline because new sidewalks will be constructed where there are none to enhance pedestrian connectivity in the area. Transportation planning has not indicated any necessary roadway improvements. Bike lanes are existing along Adams Street. Transit is available along Main Street (south of the site) where existing sidewalks connect to that roadway. No new roadways are being created with this proposal. Transportation Planning has not indicated a need for additional ROW. There are 3 lots involved in the overall development after consolidation. These lots are bound by ROW so cross access is provided through existing ROWs, and

**WHEREAS**, the Commission further finds that the proposal meets the Transportation Facility Design guideline because no new roadways are being created with the development. Access to the site will be from public ROWs.

**WHEREAS**, the Commission further finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because new sidewalks will be constructed where there are none to enhance pedestrian connectivity in the area. Bike lanes are existing along Adams Street. Transit is available along main Street (south of the site) where existing sidewalks connect to that roadway, and

**WHEREAS**, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because MSD has no issues with the proposal, and

**WHEREAS**, the Commission further finds that the proposal meets the Air Quality guideline because APCD has no issues with the proposal, and

**WHEREAS**, the Commission further finds that the proposal meets the Infrastructure guideline because existing utilities will serve the site. There is an adequate water supply to accommodate the site. The Health Department has no issues with the proposal, and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because, although the existing form is the Traditional Neighborhood Form, the proposed Form District change to Downtown is consistent with the revitalization elsewhere occurring in the nearby Downtown area and that the Soccer Stadium District promises, even with the waivers and variances accompanying this application. The Downtown form is characterized by the variety of residential, office, retail, restaurants, services public open

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space, greenways and sidewalks proposed here – more so than any other Form District would apply, and

**WHEREAS**, the Commission further finds that the proposal meets the Centers guideline because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 of Guideline 2 because as proposed, the Soccer Stadium District is and will be located Downtown and will be intensively designed as a mixed, compatible in-fill activity center, which is surrounded by a diversity of other hereinafter mostly compatible uses; it thereby promotes an efficient use of land, improve existing infrastructure, including road and sidewalk connections, and lowers the costs of utilities that otherwise would have to be extended further to a remote location; and also, the proposed mix of highly attractive urban uses helps reduce travel times and vehicle related air pollution because workers and residents and visitors to Downtown will be able to recreate, work, shop, dine and reside all at this single location. The Soccer Stadium District, as designed will be compact, walkable, bike-able with shared parking, lots of cross-access, and provisions for all multi-modal forms of transportation access, all of which are elements of the Downtown activity center, and

**WHEREAS**, the Commission further finds that the proposal meets the Compatibility guideline because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 20, 21, 22, 23, 24, 25, 28 and 29 of Guideline 3 because as explained above and shown on the development plan and in the PowerPoint presentation presented at the public hearing, the Soccer Stadium District anticipates design themes characteristic of Downtown and also reflective of the adjoining Butchertown neighborhood; this will include the use of predominant building materials evident in the area and replications of important Louisville architecture; and potential noises and lighting are mitigated through distance separation, landscaping, screening and buffers. Building heights will be higher than uses present in the Butchertown neighborhood but similar to much of the adjacent Downtown Form District; parking lots, garages, walkways and roads incorporated into the development will be thoughtfully designed and redesigned and newly landscaped; signage will reflect building architecture as above described and comply with the Land Development Code; and the wide mix of uses will work together because of the place that this is and will become through intensive redesign and attention to their interaction one with the other in order that workers, residents and visitors energize and respect each other's place in the Stadium District, and

**WHEREAS**, the Commission further finds that the proposal meets the Open Space, Natural Areas, and Landscape Character guidelines because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Guideline 4, applicable Policies 1, 2, 3, 4 and 8 of Guideline 5, and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 because to the extent that important natural areas and historic resources within Butchertown or along the Ohio River exist on or near this site, efforts will be made to protect and promote them; the Stadium District is not designed to exist in a vacuum but instead to enrich nearby valuable and essential assets and the livability and viability of existing neighborhoods; superior landscaping will be evident throughout especially within focal points and along sidewalks and roads; perimeter buffers will be designed to mitigate impacts on nearby existing residential properties; and as said, internal to the site will be a common landscape plan with multiple focal points that assure

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lots of highly attractive and usable open space by all the many people who are expected to recreate, work, shop and live here, and

**WHEREAS**, the Commission further finds that the proposal meets the Economic Growth and Sustainability guideline because this application also complies with the Intents and applicable Policies 1, 2, 3, 5, 6 and 11 of Guideline 6 because a financial impact analysis conducted by Commonwealth Economics has projected 2,472 jobs and labor income of \$1.8 billion and, if realized, tax revenues of \$260 million of local and state tax revenue over two decades; and the economic analysis further outlines costs for the nearly \$200 million project of some \$160 million for the stadium and its commercial district and \$30 million in public infrastructure improvements. Because the Soccer Stadium District will be a large mixed-use entertainment, workplace, and shopping development replacing uses that are counter-productive to a vibrant Downtown and Butchertown neighborhood, it is all about the economic enhancement and sustainability of Downtown, Butchertown and the greater Metro Area, and

**WHEREAS**, the Commission further finds that the proposal meets the Circulation, Transportation Facility Design, and Bicycle, Pedestrian and Transit guidelines because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 9, 10, 11, 13, 14 and 16 of Guideline 7, applicable Policies 4, 5, 7, 9, 10 and 11 of Guideline 8, and applicable Policies 1, 2, 3 and 4 of Guideline 9 because roads and sidewalks will be improved to assure safe, proper functioning and better aesthetics of existing street and sidewalk networks; the carrying-capacity of area streets will be maintained or improved; traffic congestion and air quality will be addressed by virtue of improved multi-modal access; all of this is well-shown on the development plan and in the PowerPoint presentation presented at the public hearing; a traffic impact study (TIS) was prepared to further assure all of this; and, of course, Metro Public Works and Transportation Planning (MPW&TP) has stamped the development plan as preliminarily approved prior to the this public review evidencing this application's compliance with these Guidelines' access, internal circulation, road capacity, road width, sidewalk and other multi-modal Policies and with the MPW&TP design requirements for both external and internal movements, and

**WHEREAS**, the Commission further finds that the proposal meets the Stormwater and Water Quality guidelines because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11 of Guideline 10, and applicable Policies 1, 3, 4, and 5 of Guideline 11 because post development rates of runoff will not exceed predevelopment conditions, which are thus assured through on-site detention; MSD's floodplain ordinance will also be addressed via floodplain compensation basins designed to address floodplain filling; and water quality will be addressed through construction of water quality design measures; and soil erosion and sedimentation control practices will be emphasized during construction, and

**WHEREAS**, the Commission further finds that the proposal meets the Air Quality guideline because the application complies with the Intents and applicable Polices 1 2, 3, 4, 6, 7, 8 and 9 of Guideline 12 because this is a mixed-use development, there will be lots of opportunities here for people visiting, working and living Downtown to recreate, shop and work, thereby reducing distances traveled and the times in vehicles, especially passenger cars, thereby benefiting air quality; now, therefore be it



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**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in form district from Traditional Neighborhood to Downtown on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**

**NOT PRESENT: Peterson, Ferguson, and Tomes**

**Zoning Change from M-3 to EZ-1**

**01:03:12** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Cornerstone 2020 Checklist, the applicant's findings of fact, and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal involves the closure of Mill Street which currently runs through a private business and several unimproved alleyways. The closure of these rights of way will not disturb the existing grid pattern or access to adjacent property. The sidewalk network will be expanded. EZ-1 permits more regional land uses. The proposal is not for a neighborhood center. The proposal is more appropriately located within a Downtown Form which is being requested. The proposal is not located adjacent to public open spaces but is located in close proximity to Waterfront Park. The existing buildings on the site are not historic and are not consistent with the neighborhood, and

**WHEREAS**, the Commission further finds that the proposal meets the Community Form guideline because the proposal is more in keeping with the Downtown Form than the existing Traditional Neighborhood because EZ-1 allows for many different land uses that are more regionally focused rather than ones that are more neighborhood focused. The proposal involves the closure of Mill Street which currently runs through a private business and several unimproved alleyways. The closure of these rights of way will not disturb the existing grid pattern or access to adjacent property. The sidewalk network will be expanded to encourage pedestrian activity from the nearby area as well as the transit that is available along Story Ave. and Main Street which are in the area. On and off street parking is available while transit is not directly available to the area, and

**WHEREAS**, the Commission further finds that the proposal meets the Centers guideline because the proposal will create a new center in the DFD that includes new construction. EZ-1 zoning allows for commercial, office, and residential. The Butchertown Neighborhood Plan calls for the evaluation of the status of industrial-zoned properties to determine those properties suitable for EZ-1 or other mixed use zoning, to reduce the secondary (nuisance) impacts of existing industrial operations on residents and retail businesses and to redevelop/rehabilitate industrial buildings for office, retail, mixed-use, or multi-family residential if industrial uses are no longer viable. The proposed EZ-1 zoning is located in a former industrial area with other EZ-1

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property included in the overall development. The proposal is for more regional uses that will draw most of its population from outside the neighborhood. The Butchertown Neighborhood does not have the density itself to solely support the development. The proposed EZ-1 zoning would result in an efficient land use pattern as the Butchertown neighborhood in this area already has existing EZ-1 zoning. The infrastructure needs for this mixed use zoning would be met with the existing roads and utilities. The proposed EZ-1 zoning permits a mix of uses that could be compatible and reduce trips. Sidewalks and pedestrian connectivity is being expanded in the area to encourage alternate form of transportation. While transit is not directly available to the site, it is available within a somewhat reasonable walking distance at Story Ave and Main Street. The proposal is for multi-story and some multi-use buildings. The development is designed to be multi-purpose which is consistent with the proposed EZ-1 zoning. There are proposed "common" areas and public plazas. Parking areas are located outside the central activity area and away from the pedestrian oriented plazas. Utilities will be shared and coordinated with all the proposed uses within the development. Sidewalks and pedestrian connectivity is being expanded in the area to encourage alternate form of transportation. While transit is not directly available to the site, it is available within a somewhat reasonable walking distance at Story Ave and Main Street. Vehicles have easy access to the site, and

**WHEREAS**, the Commission further finds that the proposal meets the Compatibility guideline because buildings will meet the requirements of the LDC. Due to the site's location bound by a railroad and an expressway there is no clear scale or site design to compare it with. Most of the buildings are oriented toward the street and are multi-story which is consistent with the Downtown Form. The proposal is not a non-residential expansion into a residential area. APCD has no issues with the proposal. Transportation Planning has not indicated any issues with traffic for the proposal. Lighting will meet LDC requirements. The proposal is not located adjacent to incompatible developments or zoning. There are no nearby developments to compare the site in order to determine compliance. The development site is establishing its own pattern of development that is mainly consistent with the Downtown Form. All VUA LBA buffers are in compliance with the LDC. Signs will meet form district requirements, and

**WHEREAS**, the Commission further finds that the proposal meets the Open Space guideline because open space is provided as common areas and plazas within the development site, and

**WHEREAS**, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because the proposal does not have structures or land that is recognized as being historic. The development is located in an area with highly erodible soils but is also in an area where there is existing development on all the lots, and

**WHEREAS**, the Commission further finds that the proposal meets the Economic Growth and Sustainability guideline because the development site has easy access to multiple levels of roadways. The proposal is for the creation of the downtown form in this area but the proposal is consistent with the downtown forms pattern of development. The lots involved in the development site are being redeveloped for a greater use than the existing development on the sites. The site is in an existing industrial subdivision and the proposal is for mixed use, commercial/industrial which is consistent with the existing zoning on several parts of the site. The proposal for EZ-1 zoning will be for the development of a new activity center that would

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generate large amounts of traffic. The surrounding roadways are mainly local level with the exception of E. Witherspoon (minor arterial), N Shelby (primary collector), and Adams Street (primary collector). The closest major arterial is Main Street/Story Avenue to the south. The proposal for EZ-1 zoning will be for a development that would have more than 100 employees. The surrounding roadways are mainly local level with the exception of E. Witherspoon (minor arterial), N Shelby (primary collector), and Adams Street (primary collector). The closest major arterial is Main Street/Story Avenue to the south, and

**WHEREAS**, the Commission further finds that the proposal meets the Circulation guideline because new sidewalks will be constructed where there are none to enhance pedestrian connectivity in the area. Transportation planning has not indicated any necessary roadway improvements. Bike lanes are existing along Adams Street. Transit is available along Main Street (south of the site) where existing sidewalks connect to that roadway. No new roadways are being created with this proposal. Transportation Planning has not indicated a need for additional ROW. There are 3 lots involved in the overall development after consolidation. These lots are bound by ROW so cross access is provided through existing ROWs, and

**WHEREAS**, the Commission further finds that the proposal meets the Transportation Facility Design guideline because no new roadways are being created with the development. Access to the site will be from public ROWs.

**WHEREAS**, the Commission further finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because new sidewalks will be constructed where there are none to enhance pedestrian connectivity in the area. Bike lanes are existing along Adams Street. Transit is available along main Street (south of the site) where existing sidewalks connect to that roadway, and

**WHEREAS**, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because MSD has no issues with the proposal, and

**WHEREAS**, the Commission further finds that the proposal meets the Air Quality guideline because APCD has no issues with the proposal, and

**WHEREAS**, the Commission further finds that the proposal meets the Infrastructure guideline because existing utilities will serve the site. There is an adequate water supply to accommodate the site. The Health Department has no issues with the proposal, and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because, although the existing form is the Traditional Neighborhood Form, the proposed Form District change to Downtown is consistent with the revitalization elsewhere occurring in the nearby Downtown area and that the Soccer Stadium District promises, even with the waivers and variances accompanying this application. The Downtown form is characterized by the variety of residential, office, retail, restaurants, services public open space, greenways and sidewalks proposed here – more so than any other Form District would apply, and

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**WHEREAS**, the Commission further finds that the proposal meets the Centers guideline because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 of Guideline 2 because as proposed, the Soccer Stadium District is and will be located Downtown and will be intensively designed as a mixed, compatible in-fill activity center, which is surrounded by a diversity of other hereinafter mostly compatible uses; it thereby promotes an efficient use of land, improve existing infrastructure, including road and sidewalk connections, and lowers the costs of utilities that otherwise would have to be extended further to a remote location; and also, the proposed mix of highly attractive urban uses helps reduce travel times and vehicle related air pollution because workers and residents and visitors to Downtown will be able to recreate, work, shop, dine and reside all at this single location. The Soccer Stadium District, as designed will be compact, walkable, bike-able with shared parking, lots of cross-access, and provisions for all multi-modal forms of transportation access, all of which are elements of the Downtown activity center, and

**WHEREAS**, the Commission further finds that the proposal meets the Compatibility guideline because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 20, 21, 22, 23, 24, 25, 28 and 29 of Guideline 3 because as explained above and shown on the development plan and in the PowerPoint presentation presented at the public hearing, the Soccer Stadium District anticipates design themes characteristic of Downtown and also reflective of the adjoining Butchertown neighborhood; this will include the use of predominant building materials evident in the area and replications of important Louisville architecture; and potential noises and lighting are mitigated through distance separation, landscaping, screening and buffers. Building heights will be higher than uses present in the Butchertown neighborhood but similar to much of the adjacent Downtown Form District; parking lots, garages, walkways and roads incorporated into the development will be thoughtfully designed and redesigned and newly landscaped; signage will reflect building architecture as above described and comply with the Land Development Code; and the wide mix of uses will work together because of the place that this is and will become through intensive redesign and attention to their interaction one with the other in order that workers, residents and visitors energize and respect each other's place in the Stadium District, and

**WHEREAS**, the Commission further finds that the proposal meets the Open Space, Natural Areas, and Landscape Character guidelines because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Guideline 4, applicable Policies 1, 2, 3, 4 and 8 of Guideline 5, and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 because to the extent that important natural areas and historic resources within Butchertown or along the Ohio River exist on or near this site, efforts will be made to protect and promote them; the Stadium District is not designed to exist in a vacuum but instead to enrich nearby valuable and essential assets and the livability and viability of existing neighborhoods; superior landscaping will be evident throughout especially within focal points and along sidewalks and roads; perimeter buffers will be designed to mitigate impacts on nearby existing residential properties; and as said, internal to the site will be a common landscape plan with multiple focal points that assure lots of highly attractive and usable open space by all the many people who are expected to recreate, work, shop and live here, and

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**WHEREAS**, the Commission further finds that the proposal meets the Economic Growth and Sustainability guideline because this application also complies with the Intents and applicable Policies 1, 2, 3, 5, 6 and 11 of Guideline 6 because a financial impact analysis conducted by Commonwealth Economics has projected 2,472 jobs and labor income of \$1.8 billion and, if realized, tax revenues of \$260 million of local and state tax revenue over two decades; and the economic analysis further outlines costs for the nearly \$200 million project of some \$160 million for the stadium and its commercial district and \$30 million in public infrastructure improvements. Because the Soccer Stadium District will be a large mixed-use entertainment, workplace, and shopping development replacing uses that are counter-productive to a vibrant Downtown and Butchertown neighborhood, it is all about the economic enhancement and sustainability of Downtown, Butchertown and the greater Metro Area, and

**WHEREAS**, the Commission further finds that the proposal meets the Circulation, Transportation Facility Design, and Bicycle, Pedestrian and Transit guidelines because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 9, 10, 11, 13, 14 and 16 of Guideline 7, applicable Policies 4, 5, 7, 9, 10 and 11 of Guideline 8, and applicable Policies 1, 2, 3 and 4 of Guideline 9 because roads and sidewalks will be improved to assure safe, proper functioning and better aesthetics of existing street and sidewalk networks; the carrying-capacity of area streets will be maintained or improved; traffic congestion and air quality will be addressed by virtue of improved multi-modal access; all of this is well-shown on the development plan and in the PowerPoint presentation presented at the public hearing; a traffic impact study (TIS) was prepared to further assure all of this; and, of course, Metro Public Works and Transportation Planning (MPW&TP) has stamped the development plan as preliminarily approved prior to the this public review evidencing this application's compliance with these Guidelines' access, internal circulation, road capacity, road width, sidewalk and other multi-modal Policies and with the MPW&TP design requirements for both external and internal movements, and

**WHEREAS**, the Commission further finds that the proposal meets the Stormwater and Water Quality guidelines because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11 of Guideline 10, and applicable Policies 1, 3, 4, and 5 of Guideline 11 because post development rates of runoff will not exceed predevelopment conditions, which are thus assured through on-site detention; MSD's floodplain ordinance will also be addressed via floodplain compensation basins designed to address floodplain filling; and water quality will be addressed through construction of water quality design measures; and soil erosion and sedimentation control practices will be emphasized during construction, and

**WHEREAS**, the Commission further finds that the proposal meets the Air Quality guideline because the application complies with the Intents and applicable Policies 1 2, 3, 4, 6, 7, 8 and 9 of Guideline 12 because this is a mixed-use development, there will be lots of opportunities here for people visiting, working and living Downtown to recreate, shop and work, thereby reducing distances traveled and the times in vehicles, especially passenger cars, thereby benefiting air quality; now, therefore be it

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**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from M-3 to EZ-1 on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**  
**NOT PRESENT: Peterson, Ferguson, and Tomes**

**Variance**

**01:03:43** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis, the applicant's findings of fact, and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the requested variance will not adversely affect the public health, safety or welfare since there will still be access to the buildings with the increased setbacks. The additional setbacks are to accommodate retaining walls, additional sidewalk area, or greenspace, and

**WHEREAS**, the Commission further finds that the requested variance will not alter the essential character of the general vicinity since the area is now a mix of industrial type uses, vacant land, or existing vacant buildings which are inconsistently located and not providing a consistent character, and

**WHEREAS**, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public since there will still be access to the buildings with the increased setbacks. The additional setbacks are to accommodate retaining walls, additional sidewalk area, or greenspace, and

**WHEREAS**, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since there will still be access to the buildings with the increased setbacks. The additional setbacks are to accommodate retaining walls, additional sidewalk area, or greenspace, and

**WHEREAS**, the Commission further finds that the site is surrounded by multiple roadways with surrounding development that has been under developed which is an unusual circumstance, and

**WHEREAS**, the Commission further finds that setting the buildings to the property lines could create an unnecessary hardship since several of the existing roadways will now have to accommodate pedestrian infrastructure. The additional setbacks are to accommodate retaining walls, additional sidewalk area, or greenspace, and

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**WHEREAS**, the Commission further finds that the circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, and

**WHEREAS**, the Commission further finds that the variance will not adversely affect the public health, safety or welfare because this Soccer Stadium District development project represents a unified plan of development such that all impacts are internal to the overall site; and the location of all buildings relative to the public ways have been thoughtfully considered taking into account the location of landscaping, buildings, pedestrian ways, to assure the optimal public experience in terms of aesthetics, safety, and project viability, and

**WHEREAS**, the Commission further finds that the variance will not alter the essential character of the general vicinity because this Soccer Stadium District development project represents a unified plan of development such that all impacts are internal to the overall site, and

**WHEREAS**, the Commission further finds that the variance will not cause a hazard or a nuisance to the public because it is actually intended to assure the protection of the public's safety while at the same time increasing the aesthetics and economic viability and practical usage of both every individual property and the overall Soccer Stadium District site, and

**WHEREAS**, the Commission further finds that the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is a unique project designed in a unified manner taking into account characteristics barely, if at all, similar to anything else in Metro Louisville, even though given its location, mix of uses, and how these uses will need to interact one with another, and

**WHEREAS**, the Commission further finds that the Variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as said above, everything about this project, both in terms of its location and mix of uses is really different than elsewhere, and

**WHEREAS**, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because it would not be able to accomplish, what is explained above it needs to accomplish as this unique location, and

**WHEREAS**, the Commission further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather, are the result of this unique project at this unique location; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the variance from 5.2.1.C.3-6 to allow for the proposed buildings to be setback from the property lines at variable distances as shown on the development plan.

**The vote was as follows:**

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**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**

**NOT PRESENT: Peterson, Ferguson, and Tomes**

**Waivers and Overhead Walkway/Pedway**

**01:04:23** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis, the applicant's findings of fact, and testimony heard today, was adopted:

**Waiver from 5.5.1.B.1.a.ii**

**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public rights-of-way to the building entrance, and

**WHEREAS**, the Commission further finds that Guideline 2, Policy 15 encourages the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, Policy 1 ensures compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, Policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use. Encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 9, Policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The waiver is compatible with the pattern of development within the form district. Pedestrians are provided for in and around the site with new sidewalks proposed where they are not currently. Building expansion after initial development could be placed to replace the parking, and

**WHEREAS**, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there are multiple rights of way frontages making parking around the structures inevitable but pedestrian connectivity is expanded, and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since there are multiple rights of way frontages making parking around the structures inevitable but pedestrian connectivity is expanded, and



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**WHEREAS**, the Commission further finds that the waiver will not adversely affect adjacent property owners because this Soccer Stadium District development project represents a unified plan of development such that all impacts are internal to the overall site; and furthermore, it is important that the pedestrian experience to and from parking be safe and that, therefore, parking not be blocked from the public view, and

**WHEREAS**, the Commission further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application, and

**WHEREAS**, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because parking in front of buildings will occur only where thoughtfully designed with public safety in mind and because some parking will be in parking structures, and

**WHEREAS**, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would otherwise be required to design parking not necessarily in compliance with the intents set forth in #1 above, and

**Waiver from 5.8.1.B**

**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since a sidewalk will be provided along the west side of Campbell where one does not currently exist. A sidewalk along the west side will keep pedestrians away from the railroad side creating a safer pedestrian experience, and

**WHEREAS**, the Commission further finds that Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. A sidewalk along the west side will keep pedestrians away from the railroad side creating a safer pedestrian experience, and

**WHEREAS**, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since a sidewalk along the west side will keep pedestrians away from the railroad side creating a safer pedestrian experience, and

**WHEREAS**, the Commission further finds that the waiver will not adversely affect adjacent property owners because this Soccer Stadium District development project represents a unified plan of development such that all impacts are internal to the overall site; and furthermore, it is important that the pedestrian experience to and from parking be safe, and

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**WHEREAS**, the Commission further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application, and

**WHEREAS**, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because sidewalks are located where thoughtfully designed with public safety in mind, and

**WHEREAS**, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would otherwise be required to locate sidewalks not necessarily in compliance with the intents set forth in #1 above, and

**Waiver from 5.2.1.C.2 and 5.2.1.C.5**

**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since there are multiple building frontages and pedestrian connections. Future buildings or expansions could be proposed along the frontages as the area expands, and

**WHEREAS**, the Commission further finds that Guideline 3, Policies 1 and 2 call for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. There are multiple building frontages and pedestrian connections. Future buildings or expansions could be proposed along the frontages as the area expands, and

**WHEREAS**, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there are multiple building frontages and pedestrian connections. Future buildings or expansions could be proposed along the frontages as the area expands, and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since there are multiple building frontages and pedestrian connections. Future buildings or expansions could be proposed along the frontages as the area expands, and

**WHEREAS**, the Commission further finds that the waiver will not adversely affect adjacent property owners because this Soccer Stadium District development project represents a unified plan of development such that all impacts are internal to the overall site; and furthermore, it is important that the pedestrian experience to and from parking be safe and that, therefore, parking not be blocked from the public view, and

**WHEREAS**, the Commission further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable

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Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application, and

**WHEREAS**, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because street walls, if not in the form of a building itself will be eliminated wherever public safety is of concern; and, however, much of the street experience, otherwise addressed with street walls will be addressed with retail businesses, offices and parking structures themselves which unlike street walls that do not comprise actual uses like these will not compromise public safety, and

**WHEREAS**, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because public safety is of paramount importance, particularly in this area of Louisville Metro which is a less than ideal condition today and which this project is intended to upgrade from both public safety and aesthetic standpoints; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE (1)** the waiver from 5.5.1.B.1.a.ii to permit parking in front of primary structures as shown on the development plan, **(2)** the waiver from 5.8.1.B to not provide a sidewalk on the east side of Campbell Street adjacent to the CSX Railroad, **(3)** the waiver from 5.2.1.C.2 and 5.2.1.C.5 to not provide a 3 story street wall for the length of the lot frontage, and **(4)** the overhead walkway/pedway over Campbell Street per 5.8.1.C.1.e.

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**

**NOT PRESENT: Peterson, Ferguson, and Tomes**

**General Plan/Detailed District Development Plan**

**01:05:40** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that 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 that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and has approved the preliminary development plan, and

**WHEREAS**, the Commission further finds that the open space requirements are provided in the form of common areas and plazas, and

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**WHEREAS**, the Commission further finds that 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 that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways, and

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

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Except for the soccer stadium property itself, no outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the overall development 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A license agreement from Public Works for the pedway over Campbell Street shall be required prior to construction approval.

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5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
8. Amenity areas per LDC Chapter 5.12.2 shall be submitted and approved by a committee of the Planning Commission prior to obtaining a building permit.

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**  
**NOT PRESENT: Peterson, Ferguson, and Tomes**

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**CASE NUMBER 17SUBDIV1024**

Project Name:	Moore Farm
Location:	8613 & 8607 Beulah Church Rd
Owner(s):	Superior Builders, Inc.
Applicant:	Superior Builders, Inc.
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Jay Lockett, Planner I

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:**

**01:08:20** Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

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

Kathy Linares, 5151 Jefferson Blvd., Suite 101, Louisville, KY 40219

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

**01:13:55** Kathy Linares summarized the applicant's proposal and showed a presentation.

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

No one spoke.

**Deliberation:**

**01:17:52** The Commissioners concur that the proposal is justified.

**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.**

**Variances**

**01:20:05** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

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**Variance of Land Development Code table 5.3.1 and section 5.3.1.C.4 to allow an existing garage to be setback 12' and an existing house to be setback 20' rather than the required 45' along Glaser Ln.**

**WHEREAS**, the Louisville Metro Planning Commission finds that the variance will not adversely affect the public health, safety or welfare because the variance will allow the existing structures to remain, and they currently do not pose any threat to public health, safety or welfare, and

**WHEREAS**, the Commission further finds that the requested variance will not alter the essential character of the general vicinity because the structures already exist and contribute to the residential character of the area, and

**WHEREAS**, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public because the structures already exist and do not cause any public nuisance or hazard, and

**WHEREAS**, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because the structures already exist and were constructed prior to the adoption of current zoning regulations, and

**WHEREAS**, the Commission further finds that the variance is needed because the applicant must dedicate public right-of-way as part of this project, bringing the property line closer to the existing structures, and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the existing structures would have to be removed despite being usable, and

**WHEREAS**, the Commission further finds that 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, and

**Variance of Land Development Code table 5.3.1 to allow an existing house to be setback 23' rather than the required 30' from proposed Street A**

**WHEREAS**, the Louisville Metro Planning Commission finds that the variance will not adversely affect the public health, safety or welfare because the variance will allow an existing structure to remain and it currently does not pose any threat to public health, safety or welfare, and

**WHEREAS**, the Commission further finds that the requested variance will not alter the essential character of the general vicinity because the structure already exists and contributes to the residential character of the area, and

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**WHEREAS**, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public because the structure already exists and does not cause any public nuisance or hazard, and

**WHEREAS**, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because the structure already exists and was constructed prior to the adoption of current zoning regulations, and

**WHEREAS**, the Commission further finds that the variance is needed because the applicant must install a frontage road required by the Land Development Code in order to prevent direct access to an arterial class roadway, and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the existing structure would have to be removed despite being usable, and

**WHEREAS**, the Commission further finds that 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; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE (1)** the variance of Land Development Code table 5.3.1 and section 5.3.1.C.4 to allow an existing garage to be setback 12' and an existing house to be setback 20' rather than the required 45' along Glaser Ln. and **(2)** the variance of Land Development Code table 5.3.1 to allow an existing house to be setback 23' rather than the required 30' from proposed Street A.

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**

**NOT PRESENT: Peterson, Ferguson, and Tomes**

**Waivers**

**01:21:19** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**Waiver of Land Development Code table 10.3.1 to allow an existing house to encroach into the required 50' Parkway Buffer and 75' Parkway Setback along Beulah Church Rd**

**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since the house is existing, and all required plantings can still be provided, and



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**WHEREAS**, the Commission further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, Policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The waiver will not violate the comprehensive plan, as the house is already exists and all required parkway plantings can still be installed, and

**WHEREAS**, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the house already exists, and no expansion of the structure is proposed, and

**WHEREAS**, the Commission further finds that the strict application of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship as the structure would have to be removed despite being useable, and the proposed lot would not be buildable due to the setback requirement, and

**Waiver of Land Development Code section 5.8.1.B to not provide a sidewalk along proposed Street A**

**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since sidewalks will still be provided along Beulah Church Rd and Glaser Ln.

**WHEREAS**, the Commission further finds that Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. Sidewalks provided along Beulah Church Rd will serve the 4 lots along proposed Street A.

**WHEREAS**, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since sidewalks will still be provided along the outside of the subdivision to serve residents and the larger community; now, therefore be it

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**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE (1)** the waiver of Land Development Code table 10.3.1 to allow an existing house to encroach into the required 50' Parkway Buffer and 75' Parkway Setback along Beulah Church Rd and **(2)** the waiver of Land Development Code section 5.8.1.B to not provide a sidewalk along proposed Street A.

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**

**NOT PRESENT: Peterson, Ferguson, and Tomes**

**Major Preliminary Subdivision**

**01:21:59** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Staff Report and testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the major preliminary subdivision plan, **SUBJECT** to the following conditions of approval:

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. The applicant shall submit a plan for approval by the Planning Commission staff's landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission staff's landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
3. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.

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4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
5. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
  - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
  - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
6. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
7. When limits of disturbance are shown on the plan. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**

**NOT PRESENT: Peterson, Ferguson, and Tomes**

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**PUBLIC HEARING**

**CASE NUMBER 17ZONE1042**

Request: R-4 to C-1  
Project Name: Speedwash  
Location: 9808, 9818, 9818R Hillock Drive & 8018 & 8102  
Old Bardstown Rd  
Owner: Old Bardstown Investment Group, LLC  
Applicant: Speedwash Carwash  
Representative: Wyatt, Tarrant & Combs, LLP  
Jurisdiction: Louisville Metro  
Council District: 22 – Robin Engel  
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:**

**01:23:11** Laura Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

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

Jon Baker, 500 W. Jefferson Street, Louisville, KY 40202  
Kent Gootee, 5151 Jefferson Blvd., Louisville, KY 40219  
Chris Harrison, 855 Lovers Lane, Suite 112, Bowling Green, KY 42105

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

**01:30:58** Jon Baker summarized the applicant's proposal and showed a presentation. Mr. Baker responded to questions from the Commissioners.

**01:43:24** Kent Gootee responded to questions from the Commissioners and discussed the private access easement.

**01:47:28** Commissioner Brown stated that the realignment of Old Bardstown Road will be a Public Works project.

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

Claudia Jones, 9800 Hillock Drive, Louisville, KY 40291  
Charlotte Nellis, 9803 Hillock Drive, Louisville, KY 40291

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Douglas Felkins, 8731 Lough Drive, Louisville, KY 40291

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

**01:48:23** Claudia Jones lives near the subject site. She is in opposition to a fourth carwash being constructed in the area and would like to see a different business occupy the site that would improve the area.

**01:50:14** Charlotte Nellis and her mother also live near the subject site in separate homes. Her mother owns land that includes an easement along Hillock Drive. Six homes have permission to use the private road as well as Rite Aid. Ms. Nellis stated that Aspen Creek instructs their customers to use Hillock Drive as an exit, but they were never given permission to do so by her mother. She and her mother are opposed to the carwash being constructed and using their easement.

**01:55:05** Douglas Felkins is on the Board of Directors of the Woods of Glenmary Patio Home Development adjacent to the subject site. The Board is opposed to the development because they feel this will not alleviate traffic in any way. He also stated there are three other carwashes within a half mile of this site, and another one is not needed.

**Rebuttal:**

**01:56:55** Mr. Baker spoke in rebuttal and responded to questions from the Commissioners.

**01:58:50** Chris Harrison of Speedwash Carwash responded to questions from the Commissioners regarding noise on the property.

**Deliberation:**

**02:05:50** The Commissioners concur that the proposal is justified.

**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 C-1**

**02:12:08** On a motion by Commissioner Brown, seconded by Commissioner Lindsey, the following resolution, based on the Cornerstone 2020 Checklist, the applicant's findings of fact, and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because this proposal is not a neighborhood center but is located near a mix of other commercial uses such as retail and restaurants. The proposal is located just off Bardstown Road, a major arterial,

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**WHEREAS**, the Commission further finds that the proposal meets the Centers guideline because the proposal utilizes the entire site and is cost effective due to existing infrastructure. The proposal is a single use but is in close proximity to a mix of commercial and residential uses. While cross access with this use is not appropriate, any other use proposed on this site will connect to the property to the south. The proposal is located near commercial developments with existing utilities and compatible utilities will be placed in a common easement. A public sidewalk is proposed which promotes pedestrian connectivity to nearby transit, and

**WHEREAS**, the Commission further finds that the proposal meets the Compatibility guideline because a note has been placed on plan that indicates that building design will be in compliance with 5.6, although applicant will be required to submit elevations. This proposal is a non-residential expansion into a residential area, but the setbacks and buffers will be provided adjacent to the single family home to the west. The proposal is providing the required screening for adjacent less intense uses. The realignment of Old Bardstown Road mitigates for any traffic impacts associated with the proposal. All lighting will be in accordance with LDC standards. The proposal is located just west of Bardstown Road, a major transit corridor. The buffers adjacent to the residences are provided. While a variance is required, the proposed setback is similar to commercial development along Old Bardstown Road. Most VUA is located adjacent to the roadway and the appropriate LBAs have been provided adjacent to residential. While a waiver to decrease the VUA LBA is required, adequate screening and plantings will be provided, that will protect the roadway from visual intrusions. The proposal also meets Interior Landscaping requirements. Signage will be in compliance with LDC standards, and

**WHEREAS**, the Commission further finds that the proposal meets the Open Space guideline because the proposal will require the removal of existing vegetation, although all tree canopy and planting requirements will be met, and

**WHEREAS**, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because the proposal will require the removal of existing vegetation, although all tree canopy and planting requirements will be met. LOJIC has not identified any wetlands on site.

**WHEREAS**, the Commission further finds that the proposal meets the Circulation guideline because the proposal includes roadway improvements to Old Bardstown Road. While the proposal will be not providing pedestrian or crossover access, a new sidewalk is proposed that will increase pedestrian connectivity and transit access and improvements are proposed to Old Bardstown Road that will increase safety for vehicles, which the use is targeting. The proposal is using an existing roadway and access is acceptable. The proposal includes the realignment of Old Bardstown Road as well as new sidewalks along the site's frontage which will increase pedestrian connectivity and vehicular safety. The proposal meets parking requirements. This proposal will only add one "out only" curb cut on Old Bardstown Road. Cross access to the property to the south in this case is not appropriate due to the design of the car wash and the need for a secure facility, and

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**WHEREAS**, the Commission further finds that the proposal meets the Transportation Facility Design guideline because the proposal is using the existing roadway network. Access is from the existing local roadway, which intersects with a major arterial just to the east, and

**WHEREAS**, the Commission further finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the users of this site will be vehicle therefore pedestrian connections are not appropriate. Public sidewalks are proposed along the frontage and will increase transit access as the site is located near a major transit route with TARC stops within a few hundred feet. Bike racks are provided primarily for employees, and

**WHEREAS**, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because MSD has given preliminary approvals, and

**WHEREAS**, the Commission further finds that the proposal meets the Air Quality guideline because APCD has no issues with the site, and

**WHEREAS**, the Commission further finds that the proposal meets the Infrastructure guideline because this area is developed and served by utilities. There are existing water utilities and a fire hydrant located at the corner of Hillock and Old Bardstown. The proposal will hook up to existing sewage lines, and

**WHEREAS**, the Commission further finds that the applicant, Speedwash, proposes to construct a top-of-the-line, 9,947 square foot car wash on properties that include 9808, 9908 R, 9816 & 9816 R Hillock Drive and 8018 & 8102 Old Bardstown Road (the "Subject Property"); the applicant requests a change in zoning from R-4 Single Family Residential to C-1 Commercial District for only the 9808 and 9908 R Hillock Drive properties; in 2014, the Louisville Metro Council approved a similar zoning request – R-4 Single Family Residential to C-1 Commercial – involving the other four parcels that comprise the development site to allow a drive-through, fast-food restaurant; the property owner never acted upon that 2014 development plan, and

**WHEREAS**, the Commission further finds that the Subject Property is a corner location within the Neighborhood Form District at the intersection of three streets: Hillock Drive, a local street, Old Bardstown, a primary- collector street, and Bardstown Road, a major arterial, and located in between a Right Aid to the north (directly across Hillock Dr.) and a day care and medical office spa on the adjacent property to the south; other land uses in the immediate area include an Aspen Creek Grill restaurant and Thortons gas station on the other side of the Ride Aid, and, just across Bardstown Road, there is a Kohl's Department Store, Outback Steakhouse, and Marathon Gas, among numerous other commercial properties, and residential to the west; considering the commercial, office and institutional uses located next door to the south, across Hillock and beyond to the north, as well as across Bardstown Road to the east, the Subject Property is an appropriate site for commercial development and would it be impractical to maintain its use as residential, and

**WHEREAS**, the Commission further finds that in conjunction with the change in zoning, the applicant also requests the following forms of relief from the Land Development Code ("LDC"): a landscape waiver from LDC Section 10.2.10 (Table 10.2.6) to allow the 15-foot vehicular-use-

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landscape-buffer areas along the north and east property lines to be 10 feet; waiver requests of LDC Sections 5.9.2.A.1.b.ii and 5.9.2.A.1.b.i to not provide a vehicular connection from the Subject Property to the adjacent property to the south, and to not provide a pedestrian access on the Subject Property from the public sidewalk across the vehicle-use area to its car wash, respectively; and a variance from LDC Sections 5.1.8 and 5.3.2 (Table 5.3.2) to allow the proposed car wash to occupy less than the required 60% of the 80-foot-maximum-front setback, as measured from the redesigned Old Bardstown Road, and

**WHEREAS**, the Commission further finds that for the reasons stated herein, the requested change in zoning complies with all applicable guidelines of the Cornerstone 2020 Comprehensive Plan (“Cornerstone 2020”) and KRS 100.213 and, therefore, is recommended for approval, and

**WHEREAS**, the Commission further finds that the proposal site is located within the Suburban Neighborhood Form District and the application complies with this Guideline because the Neighborhood Form allows a mixture of uses, including neighborhood-serving uses along an activity corridor, such as this site; according to Cornerstone 2020 Guideline 1.B.3, the Neighborhood Form contemplates, at appropriate locations, neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services; the proposed development complies with Cornerstone 2020 Guideline 1 because it is a neighborhood-serving infill development on property located at the intersection of primary collector, major arterial, and local level streets and is mostly surrounded by other commercial and office developments along the Old Bardstown Road and Bardstown Road commercial corridors; moreover, the proposed development will be adequately buffered and screened from the residential uses along Hillock to the north and west of the site, and

**WHEREAS**, the Commission further finds that the subject site is located along the west side of both Old Bardstown Road, a primary collector, and Bardstown Road, a major arterial, and on the south side of Hillock Drive, a local-level street; as previously mentioned, the proposal site lies within an existing activity corridor that contains a mixture of neighborhood-serving uses; the property to the north was rezoned to C-2/C-1 to allow a Rite Aid store (Docket # 09-032-02), and on the other side of the Rite Aid to the north is Aspen Creek restaurant and Thortons gas station (Docket # 09-030-96); within the activity center and across Bardstown Road are a number of commercial properties, zoned both C-1 and C-2, that include the an Outback Steakhouse, Pizza Hut, Chase Bank (all within Glenmary Plaza), a Marathon Gas and Circle K store, a Kohl’s department store, Chik-fil-A, and various retail stores; the property to the south was rezoned in 2007 from R-4 Single-Family Residential to OR-3 Office Residential to allow a day care and medical spa, and

**WHEREAS**, the Commission further finds that the Subject Property complies with Cornerstone 2020, Guideline 2 and its applicable policies because it is compatible with existing uses and the Neighborhood Form District, and reflects a compact pattern of development; being an infill development within an established commercial corridor, the proposal results in an efficient use of land that utilizes existing infrastructure; infrastructure already exists, including sanitary sewer which will connect to the Cedar Creek Wastewater Treatment Plant; the subject property is also within close proximity of numerous residential developments and, therefore, is located in an



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area where a sufficient population exists to support the proposed development; the proposed development will add to the mixture of compatible land uses within the Bardstown Road (and Old Bardstown Road) corridor, thereby reducing traffic congestion by requiring fewer trips; not to mention, the proposed car wash will have good visibility on a well-trafficked corridor, which allows motorists looking for vehicle-wash service easy and efficient access to and from the site without having to travel off of the commercial corridor and away from the activity center, where such automobile traffic could potentially impact other less-intense land uses; the parking and vehicular use areas will be screened and buffered from adjoining residential uses, and a parking waiver is not needed; the applicant is asking for relief from existing Binding Element # 7 to not provide vehicular cross-access to the day care and medical spa site to the south because the proposed layout of the subject site is designed to move vehicles through its car wash and back out to Hillock Drive, and said design does not include enough space to facilitate safe traffic movements between the day care and medical spa property and the subject property without unavoidable conflicts in traffic movements; and finally, the subject property is on existing TARC routes, a sidewalk will be constructed as shown on the development plan, and a bicycle rack will be provided to ensure the proposed development is accessible by all transportation modes; for all of the foregoing reasons, the proposed development complies with Cornerstone 2020 Centers, Guideline 2, and

**WHEREAS**, the Commission further finds that Guideline 3 of Cornerstone 2020 is intended to ensure that all land uses and transportation facilities are compatible with nearby land uses and minimize impacts to residential areas, schools and other sensitive areas; the requested change in zoning complies with Guideline 3 because the proposed development is a compact, infill commercial development appropriately located along Bardstown Road, a major arterial, and Old Bardstown Road, a primary collector, within an existing activity center that serves the Neighborhood Form District; the proposal will adjoin commercial and office uses to the north and south and is compatible with the litany of commercial uses along the high activity commercial corridor, Bardstown Road; specifically, Speedwash's proposed car wash will fill in the gap between the previous re-zonings to the north and south, which were re-zoned to C-2, C-1 and OR-3, respectively, evidencing that this corridor area has a history of being deemed appropriate for an increase in the intensity of land uses; the two properties toward the rear of the development site and subject of this re-zoning request will align with the adjacent OR-3-zoned properties' zoning boundary directly to the south and with the parking lot servicing the Aspen Creek restaurant adjacent to the north of the Rite Aid; Speedwash's access points include access on Hillock Drive, toward the back of its property, and an access on Old Bardstown Road, at the front of the property; the access point on Hillock will be aligned with the Rite Aid's; a sidewalk will be constructed across the site's frontage to create a pedestrian connection between the adjacent properties, and

**WHEREAS**, the Commission further finds that the residential property to the rear of the Subject Property will be properly protected by the combination of an 8-foot privacy fence and robust landscaping as well as additional landscaping throughout the development site, which will provide more screening and buffering to mitigate against adverse visual impacts; the applicable building setback will be applied along the rear of the property and a 25-foot landscape buffer area will be established to further protect the residential use to the west; additionally, Speedwash maintains their car wash facilities in immaculate condition and its staff takes great

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pride in the cleanliness of its properties; Speedwash will be a good neighbor to any adjacent use; Indeed, Speedwash uses of the newest technologies in the car wash industry with an emphasis on conservation and environmentally-friendly materials and machines; Speedwash's car wash and detailing services a primarily located inside and its state-of-the- art vacuum system operates at moderate decibel levels, which noise further subsides at the property line and will not cause negative impacts on the surrounding properties; moreover, the automatic vacuum system supplies power based on demand, therefore when the vacuum stations are not busy, which is most of the time, the resulting noise from the vacuum station will be even lower than the decibel readings the applicant provided to the Commission during the public hearing, and

**WHEREAS**, the Commission further finds that the new, top-of-the-line-full-service car wash will occupy 25% of the maximum- front setback before the building setbacks another sixty feet, so that the vehicles getting service can exit the wash facility and have ample room to safely exit onto Old Bardstown Road or make a left and remain on the site to access additional servicing areas on the site; a variance is requested to exceed the maximum setback from Old Bardstown Road accompanies this rezoning application; in addition, a landscape waiver is requested to reduce portions of the landscape buffer areas along the north and east property lines to allow for Speedwash's safe and efficient site design, and more specifically to accommodate proposed self-service vacuuming stations along Hillock Dr. (north), a vehicle maneuvering area and a proposed detention basin (east); all planting requirements will be met within these VUA LBAs, and

**WHEREAS**, the Commission further finds that proposed handicap parking complies with local, state and federal ADA design requirements, and are appropriately located on the site to not conflict with vehicles as they move throughout the site; parking design, interior landscaping of the vehicular use areas ("VUAs"), signage, and lighting will comply with LDC regulations.; and, as a result, there will be no adverse lighting, odor, or visual impacts on surrounding land uses, and

**WHEREAS**, the Commission further finds that the proposed development will contribute to the overall mixture of uses, reduce vehicle miles traveled, and promote economic development along established commercial corridors; the proposal will minimize land use incompatibilities and the impact on public facilities; the setbacks, lot dimensions, and building heights will be compatible with surrounding properties that have been developed; accordingly, the proposed development complies with Cornerstone 2020 Guideline 3 and its applicable policies, and

**WHEREAS**, the Commission further finds that the proposed development complies with Cornerstone 2020 Guidelines 4 and 5 because the subject property does not contain any natural, scenic, historic, distinctive cultural features or limiting environmental features, such as wet soils or steep slopes, that would prevent its development as proposed; due to its small size, the development is not required to provide open space on site; the proposed landscaping and buffer areas are consistent with the existing pattern of development within the active Bardstown Road commercial corridor; proposed interior landscape areas comply with LDC requirements, and will serve to break up parking and vehicular use areas and enhance the aesthetics of the

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new car wash; therefore, the proposed development complies with Guidelines 4 and 5 of Cornerstone 2020, and

**WHEREAS**, the Commission further finds that the proposed development application complies with Guideline 6 of Cornerstone 2020 and its applicable policies because it will bring additional investment and promote economic development within the established Bardstown Road commercial corridor; and the Commission finds the subject property – being an infill site along a major arterial where a gap exists between other commercial uses – is an appropriate location for a modern car wash because it is located in an area with existing infrastructure, which is served by transit, and where a large population exists to serve the proposed development; the Subject Property is an older residential site suitable for rehabilitation and re-use, where Speedwash can provide new employment opportunities to a burgeoning population area, and

**WHEREAS**, the Commission further finds that the Commission further finds the proposed development complies with Guidelines 7, 8, and 9 of Cornerstone 2020 because it is designed to ensure the safe and efficient circulation by all types of transportation modes, including automobiles, bicycles, pedestrians, and transit; the current intersection of Hillock with Old Bardstown Road and Bardstown Road is not a perfect traffic situation, but the applicant is working with Louisville Metro Public Works, Metro Transportation Planning and the KYTC to create a safer and more efficient intersection; the improvements will likely include the repositioning of the Old Bardstown Road – Hillock intersection away from where Hillock intersects with Bardstown Road; the redesign of this intersection will provide vehicles with much needed space between the two intersections, which, unlike the current design of the intersections, will allow vehicles from Hillock to safely access Bardstown Road without interference or being blocked by those vehicles accessing Bardstown Road from Old Bardstown Road; indeed, the current configuration of these two intersections and the way they function together gives access priority to those cars accessing Bardstown Road from Old Bardstown Road over the vehicles accessing Bardstown Road from Hillock; the need for these roadway improvements predates this development proposal, but the applicant and the aforementioned agencies are working on a solution that will benefit all properties in the immediate area, as well as traffic flow along the Bardstown Road corridor; the access point to/from the site will be aligned with the Rite Aid's second access point, located on the northern side of Hillock Drive; in addition, cross-access between the Subject Property and the adjacent property to the south will not be necessary at this time because the respective site designs of the proposed car wash and the existing day care and medical spa do not relate well enough for an ample and safe vehicular connection to be established; instead, the applicant has agreed to a Binding Element that requires this cross connection be made at such time as the Subject Property is redeveloped into a use other than a car wash, and

**WHEREAS**, the Commission further finds that the Subject Property is served by TARC Route 17, ensuring an adequate level of transit service for the proposed development, especially for employees; a 5-foot sidewalk will be constructed along Old Bardstown Road and appropriate provision has been made for a bicycle rack on the proposed site; adequate parking will be furnished on the site; internal circulation will meet the Transportation Planning's requirements; interior landscaping will be provided to break up parking areas and enhance the overall

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aesthetics of the site; all of the above will ensure that internal and external circulation of the development provides safe and efficient travel movement by all modes of transportation, and

**WHEREAS**, the Commission further finds that the subject property is not located in the 100-year floodplain, and does not contain steep slopes, unstable or hydric soils, or blue-line streams; as a result, there are no environmental constraints which would prevent the development of this property as proposed; a detention basin will be located at the eastern portion of the property and will be subject to MSD review and approval prior to the issuance of construction permits; the basin is designed to enable proper stormwater handling and release management ensuring that adjacent properties will not be adversely affected; in addition, a water quality unity will be installed to meet all MS4 water quality regulations; an Erosion Prevention and Sediment Control Plan utilizing best management practices will also be implemented prior to commencing construction of the development; likewise, the proposal will be subject to APCD review and approval to ensure the car wash will not have a negative impact on air quality; for the foregoing reasons, the proposed development complies with Cornerstone 2020 Guidelines 10, 11 and 12, and all applicable Guideline Policies, and

**WHEREAS**, the Commission further finds that the applicant's proposed car wash complies with Cornerstone 2020 Guideline 13 because it meets or exceeds the requirements of the Land Development Code; a 25-foot landscape buffer area will be established at the rear of the property, which will be bolstered by a 8-foot privacy fence to protect the residential use to west of the site; a 15-foot landscape buffer area will also be created along portion of the southern property, which will further enhance the visual quality of the site and provide added protection to adjacent day care and medical spa; a landscape waiver is requested to permit proposed vacuum stationing and maneuvering areas to encroach in portions of the 15-foot landscape buffer area; the required plantings will be inserted within the 10-footbuffer areas, however, which will mitigate any negative impacts of the requested waiver; tree canopy and interior landscaping within the vehicular use areas will meet Land Development Code requirements; accordingly, the proposed development complies with Cornerstone 2020 Guideline 13 and its applicable policies, and

**WHEREAS**, the Commission further finds that the proposed development complies with Cornerstone 2020, Guidelines 14 and 15 because the subject property is served by existing infrastructure and all necessary utilities, including water, sewers, electricity, and telephone; it is also located in an established commercial corridor with adequate carrying capacity and provides appropriate connectivity to adjacent properties; the development also has an adequate supply of potable water and water for fire-fighting purposes, and is served by the Fern Creek Fire Department, located nearby to the north on Bardstown Road; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-4, Single Family Residential to C-1, Commercial on .699 acres of property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

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**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**

**NOT PRESENT: Peterson, Ferguson, and Tomes**

**Waivers**

**02:12:47** On a motion by Commissioner Brown, seconded by Commissioner Lindsey, the following resolution, based on the Standard of Review and Staff Analysis, the applicant's findings of fact, and testimony heard today, was adopted:

**Waiver of Section 10.2.10 to reduce the 15' Vehicle Use Area Landscape Buffer Area along Old Bardstown Road and Hillock Drive to 10'**

**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the required plantings and screening will still be provided and the Vehicle Use Area buffers in question are adjacent to the public right of way, and

**WHEREAS**, the Commission further finds that 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 screening and buffering of parking areas adjacent to streets. The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. These guidelines are not violated as the proposed vehicle use area buffer will still include all the required plantings and screening which will meet the intent of the guidelines, and

**WHEREAS**, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as all other landscaping requirements have been met and the area of pavement is needed to provide the services on site as well as adequate drive lanes, and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as needed vehicle use area would have to be removed and significant site design changes would have to be made, and

**WHEREAS**, the Commission further finds that the applicant, Speedwash Car Wash ("Speedwash"), is seeking approval of a zoning change for two parcels – 9808 & 9908 R Hillock Drive – to locate a top-of-the line carwash facility on property that also includes four other parcels – 9816 & 9816 R Hillock Drive, 8018 & 8102 Old Bardstown Road – which were rezoned to C-1 Commercial in 2014 to allow a drive-thru Zaxby's restaurant (the "Subject Property"); the Subject Property is in the Neighborhood Form District; in conjunction with the proposed rezoning and development of the Subject Property, the applicant is requesting a waiver of LDC Table 10.2.6 to allow the 15-foot vehicle-use-landscape-buffer areas along Hillock Drive and Old Bardstown Road be reduced to 10 feet; as explained herein, the

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requested waiver complies with the criteria for granting waivers set forth in the Land Development Code and, therefore, is approved, and

**WHEREAS**, the Commission further finds that the requested waivers will not adversely affect adjacent property owners because the landscape buffer areas (LBA) and the required plantings therein will still exist and provide buffering along Hillock Drive and Old Bardstown Road; for visual consistency, the applicant will be installing an LBA along Hillock Drive similar to what the Rite Aid created across Hillock, which will be an improvement along this stretch of the street; additionally, an LBA will be established between a proposed sidewalk along Old Bardstown Road and the vehicular use area of the car wash; the development will be extensively landscaped throughout, and will meet or exceed the minimum interior landscaping and tree canopy requirements of the Land Development Code, and

**WHEREAS**, the Commission further finds that the requested waiver will not violate the Comprehensive Plan because the proposed use is appropriate for the highly active Bardstown Road and Old Bardstown Road commercial corridor area of the applicable Neighborhood Form District, which is characterized by a mixture of medium to high-intensity uses; the development will be extensively landscaped and will meet or exceed the minimum interior landscaping and tree canopy requirements of the Land Development Code; the waiver will not violate the Comprehensive Plan, nor its Guidelines and applicable Policies, for all the reasons set forth in the detailed Change in Zoning Justification Statement submitted with the rezoning application, and

**WHEREAS**, the Commission further finds that the extent of waiver of the regulation – a reduction of 5 feet – is the minimum necessary to afford relief to the applicant because the VUA LBAs will otherwise fully comply with the LDC; and if the waivers are not granted, the applicant will lose an important amount of usable area on the Subject Property, will not be able to provide the adequate vehicular use and vacuum stationing areas, and will be unable to redevelop the Subject Property as proposed, and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the greater VUA LBAs would cause unnecessary issues with the layout and functionality of the vehicular use areas of the proposed car wash site when the full screening and buffering plantings will be provided; interior landscape areas and tree canopy will also be provided per LDC requirements; the proposed development represents a significant economic investment on property that has been underutilized for several years; in addition, the proposed development improves the streetscape by providing sidewalks and creating manicured landscaped areas along Hillock Drive and Old Bardstown Road; accordingly, the requested waiver will not violate the Cornerstone 2020 Comprehensive Plan, and

**Waiver of 5.9.2.A.1.b.i to not provide a pedestrian connection from the public sidewalk**

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**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as public sidewalks are provided that will increase pedestrian connectivity, and

**WHEREAS**, the Commission further finds that Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with walkways for access to public transportation stops. These guidelines are not violated as pedestrian connections throughout site and to the adjacent site are not appropriate as the primary users of this site are vehicle drivers. The proposal includes public sidewalks that will increase pedestrian connectivity and transit access, and

**WHEREAS**, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as pedestrian connections are not necessary for a use that only serves vehicles, and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as providing pedestrian connections are not compatible with the development, and

**WHEREAS**, the Commission further finds that the applicant, Speedwash Car Wash ("Speedwash"), is seeking approval of a zoning change for two parcels – 9808 & 9908 R Hillock Drive – to locate a top-of-the-line car wash on property that also includes four other parcels – 9816 & 9816 R Hillock Drive, 8018 & 8102 Old Bardstown Road – which were rezoned to C-1 Commercial in 2014 to allow a drive-thru Zaxby's restaurant (the "Subject Property"). The Subject Property is in the Neighborhood Form District; in conjunction with the proposed rezoning and development of the Subject Property, the applicant is requesting a waiver of LDC Section 5.9.2.A.1.b.i to not provide a pedestrian access from the public sidewalk across its vehicle- use area to its car wash; the applicant is requesting this waiver because providing said connection between the public sidewalk and the car wash would create unsafe points of conflict between pedestrians and vehicles, which is incongruous with the guidelines and policies of Cornerstone 2020, Louisville Metro's Comprehensive Plan; moreover, this connection is unnecessary for pedestrians, for the proposed car wash land use is highly unlikely to be accessed by pedestrians; as these findings set forth herein, the requested waiver complies with the criteria for granting waivers set forth in the Land Development Code and, therefore, is approved, and

**WHEREAS**, the Commission further finds that the requested waiver will not adversely affect adjacent property owners because Speedwash's car wash, by its very nature, is a land use centered around providing services for automobiles and is designed to be accessed exclusively by automobiles; and Speedwash's car washes allow its customers to drive onto the site to purchase automatic car washes via pay-station kiosks, as well as other associated services such as detailing and vacuuming; pedestrians without an automobile, including adjacent property owners, would have little to no reason to access the Speedwash building; consequently, adjacent property owners are not adversely affected by the lack of a pedestrian connection from the public sidewalk to Speedwash's building, and

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**WHEREAS**, the Commission further finds that the requested waiver will not violate the Comprehensive Plan because the waiver to not provide the pedestrian connection from the public sidewalk to Speedwash will remove a conflict point between pedestrian access and a highly-utilized vehicular use area on the Subject Property; Cornerstone 2020—specifically Guidelines 7 Mobility/Transportation and 9 Bicycle, Pedestrian and Transit—promotes safe and efficient travel movement by all types of transportation for both internal and external circulation; Speedwash proposes to construct a sidewalk along its frontage for pedestrians to traverse the site within the public right-of-way; as previously mentioned, there is very little reason for pedestrians using the public sidewalk to access a car wash if they have no automobile in need of wash services; accordingly, it would contradict Cornerstone 2020's guideline and policies to invite these pedestrians into the Speedwash site, where they would have to cross a busy vehicular use area to reach a car wash; in contrast, not providing this pedestrian connection to Speedwash is more in keeping with the Comprehensive Plan, for it alleviates a conflict point between pedestrians and vehicles, thereby maintaining safe pedestrian movement along the site's frontage, and

**WHEREAS**, the Commission further finds that the extent of waiver of the regulation – to not provide a pedestrian connection from the public sidewalk to the Speedwash structure – is the minimum necessary to afford relief to the applicant because Speedwash sells neither a product nor services that target pedestrians; Speedwash services are exclusively for automobiles; if the waiver is not granted, the applicant will have to construct the connection from the public sidewalk to a busy vehicular-use area, which would create an unsafe condition for pedestrians, and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the presence of a pedestrian connection from the public sidewalk to the Speedwash site would only invite pedestrians to unsafely walk across an area highly trafficked by automobiles; it is very foreseeable that creating such a conflict point between pedestrians and vehicles could lead to injuries for pedestrians thereby making an unnecessary hardship for Speedwash, and

**Waiver of 5.9.2.A.1.b.ii to not provide vehicular or pedestrian connection to the non-residential use to the south**

**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the adjacent property has its own access from Old Bardstown Road that will not be affected by the proposed development, and

**WHEREAS**, the Commission further finds that Guideline 2, Policy 13 encourages adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Guideline 7, Policy 13 requires joint and cross access easements according to standards set forth in the Land Development Code to reduce traffic on major thoroughfares and to reduce safety hazards. Guideline 7, Policy 16 calls for the promotion of joint access and circulation systems for development sites comprised of more than one building site or lot. The purpose of the requirements to be waived are to allow similar, compatible non-residential and multi-family uses to access adjacent sites without use of the



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main road to reduce curb cuts, the amount of surface parking, and traffic on the main thoroughfare. These guidelines are not violated as safe access is provided to both properties and cross access is not appropriate for the proposed use due the nature of the business. The car wash site design requires a secure facility, and

**WHEREAS**, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as cross connectivity would create security issues for the applicant, and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as providing cross access creates security issues for the proposed use, and

**WHEREAS**, the Commission further finds that the applicant, Speedwash Car Wash (“Speedwash”), is seeking approval of a zoning change for two parcels – 9808 & 9908 R Hillock Drive – to locate a top-of-the-line car wash on property that also includes four other parcels – 9816 & 9816 R Hillock Drive, 8018 & 8102 Old Bardstown Road – which were rezoned to C-1 Commercial in 2014 to allow a drive-thru Zaxby’s restaurant (the “Subject Property”); the Subject Property is in the Neighborhood Form District; in conjunction with the proposed rezoning and development of the Subject Property, the applicant is requesting a waiver of LDC Section 5.9.2.A.1.b.ii to not provide a vehicular connection from the Subject Property to the adjacent property to the south, where Blue Halo Medical Spa and Little Scholars Childcare & Preschool are located; the applicant is requesting this waiver because providing said connection at this time between the two adjacent properties would create unsafe points of conflict between vehicles, which, as it relates to these two properties, is incongruous with the guidelines and policies of Cornerstone 2020, Louisville Metro’s Comprehensive Plan; rather than require this cross-connection at this time, the applicant will commit to a binding element requiring installation of a cross-connection for vehicles should any use other than a car wash be located on the Subject Property; as explained herein, the requested waiver complies with the criteria for granting waivers set forth in the Land Development Code and, therefore, should be approved, and

**WHEREAS**, the Commission further finds that the requested waiver will not adversely affect adjacent property owners because Speedwash’s site design, particularly its customized configuration for vehicular movement throughout the site, complements neither the adjacent Blue Halo Medical Spa’s nor the Little Scholars Childcare’s site design; indeed, Speedwash’s site is designed so that cars, upon entering the site from either Old Bardstown Road or Hillock Drive, generally move on the site counterclockwise to access the pay station, car wash, exit onto Old Bardstown or proceed to detail services, vacuum services, and finally the exit onto Hillock Drive; the only conceivable place for a vehicular cross-connection between Speedwash and Blue Halo is in an area in front of both buildings, which is too near where the vehicles on the Speedwash site exit the car wash; thus, the only vehicular cross-connection that could possibly be provided would be a one-way connection south from Speedwash to Little Scholar’s parking area; but providing this connection would create more of a disturbance for Little Scholar’s and for not much positive gain, as vehicles accessing the car wash have an exit

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directly onto Old Bardstown Road without having to interfere with vehicles and pedestrians traversing the parking and vehicular use areas of a childcare facility, and

**WHEREAS**, the Commission further finds that the requested waiver will not violate the Comprehensive Plan because the waiver to not provide the vehicular connection between the two neighboring properties will remove a conflict point between vehicles traveling north, across the Subject Property, to access Hillock Drive; Cornerstone 2020—specifically Guidelines 7 Mobility/Transportation—promotes safe and efficient travel movement by all types of transportation for both internal and external circulation; Speedwash proposes to construct a sidewalk along its frontage for pedestrians to traverse the site within the public right-of-way; as previously mentioned, there is little to no area on the Subject Property to safely accommodate a cross-connection for vehicles driving from the property to the south to access Hillock Drive; Speedwash's proposed site is designed for vehicles to maneuver counterclockwise and against any traffic that might enter the Subject Property from the Little Scholars property, the only area between the two sites where conceivably a cross-connection could be safely installed; accordingly, it would contradict Cornerstone 2020's guideline and policies to invite these vehicles into the Speedwash site, where they would have to go against vehicles traveling the opposite direction on-site, and

**WHEREAS**, the Commission further finds that the extent of waiver of the regulation – to not provide a vehicular cross-connection between Speedwash and either Little Scholars or Blue Halo – is the minimum necessary to afford relief to the applicant because if Speedwash has to provide this cross-connection, it would be forced to either install an unsafe traffic condition on the Subject Property or it would have to completely redesign its entire site; consequently, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because installing a cross-connection for vehicular traffic between the two sites would create conflict points for vehicles either entering the Subject Property from the south and driving against vehicles maneuvering thereon or for vehicles exiting the Subject Property and atop the parking and vehicular use areas of a childcare facility, where the insertion of additional vehicles driving from the north – another, new direction in addition to vehicles accessing the parking area from the east – increases the chances of potential conflicts between other vehicles or between vehicles and pedestrians, thereby creating an unnecessary hardship for both Speedwash and the adjacent property owners; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE (1)** the waiver of Section 10.2.10 to reduce the 15' Vehicle Use Area Landscape Buffer Area along Old Bardstown Road and Hillock Drive to 10', **(2)** the waiver of 5.9.2.A.1.b.i to not provide a pedestrian connection from the public sidewalk, and **(3)** the waiver of 5.9.2.A.1.b.ii to not provide vehicular or pedestrian connection to the non-residential use to the south.

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**  
**NOT PRESENT: Peterson, Ferguson, and Tomes**

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**Variance and Detailed District Development Plan**

**02:12:47** On a motion by Commissioner Brown, seconded by Commissioner Lindsey, the following resolution, based on the Standard of Review and Staff Analysis, the applicant's findings of fact, and testimony heard today, was adopted:

**Variance from Section 5.3.2, Table 5.3.2 to allow the building to exceed the maximum front setback of 80' by 40'**

**WHEREAS**, the Louisville Metro Planning Commission finds that the requested variance will not adversely affect public health, safety or welfare as the proposed setback will not affect visibility for drivers or pedestrians, and

**WHEREAS**, the Commission further finds that the requested variance will not alter the essential character of the general vicinity as the proposed setback is similar to nearby commercial properties, and

**WHEREAS**, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public as the building location does not affect visibility from public areas, and

**WHEREAS**, the Commission further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations as a portion of the setback requirement has been met, and

**WHEREAS**, the Commission further finds that the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone, and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the site layout would have to be substantially altered from the business's typical design due to typical car queuing along the portion of the building that does not meet the maximum setback, and

**WHEREAS**, the Commission further finds that 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, and

**WHEREAS**, the Commission further finds that the applicant, Speedwash, proposes to construct a top-of-the-line car wash on properties that include 9808, 9908 R, 9816 & 9816 R Hillock Drive and 8018 & 8102 Old Bardstown Road (the "Site" or "Subject Property"); the applicant is requesting a change in zoning from R-4 Single Family Residential to C-1 Commercial for only the 9808 and 9908 R Hillock Drive properties; in 2014, the Louisville Metro Council approved a similar zoning request – R-4 Single Family Residential to C-1 Commercial –involving the other four parcels that comprise the development site to allow a drive-through, fast-food restaurant; the property owner never acted upon that 2014 development plan, however; the Subject

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Property and the immediately surrounding area is located in the Neighborhood Form District, and

**WHEREAS**, the Commission further finds that the Site is a corner-lot location at the intersection of three streets: Hillock Drive, a local street, Old Bardstown Road, a primary collector street, and Bardstown Road, a major arterial; as part of this request, the applicant will be required to dedicate property for additional public right-of-way to allow for the much needed re-alignment of this intersection, specifically to reposition the intersection of Old Bardstown Road and Hillock Drive farther away from where Hillock Drive intersects with Bardstown Road; the re-alignment of this intersection will allow for vehicles to make safer traffic movements when accessing Bardstown Road from both Hillock Drive and Old Bardstown Road; in conjunction with the change in zoning, the applicant requests a variance from Land Development Code (“LDC”) Sections 5.1.8 and 5.3.2 (Table 5.3.2) to allow the proposed car wash to occupy less than the required 60% of the 80-foot-maximum-front setback, as measured from the redesigned Old Bardstown Road, and

**WHEREAS**, the Commission further finds that Speedwash is a full service, automatic car wash that offers customers the option to purchase a full detail service for their vehicles; after the customer enters the Site off Hillock Drive, the customer selects his/her desired service from the kiosk and the proceeds to enter into the car wash; once the car wash is completed, the customer, depending on the level of service purchased, will either exit the site directly onto Old Bardstown Road or make a left turn and proceed to either the detailing station or the vacuums on the Site; the area of the car wash where vehicles exit the building will meet the setback requirement; this exit area of the structure occupies less than 60% of the frontage, and

**WHEREAS**, the Commission further finds that the requested variance will not adversely affect the public’s health, safety, or welfare; Speedwash requires variance relief from the applicable setback limitation on the Subject Property so that it can implement its proposed site design, which is configured for both safety and efficiency of vehicular movements throughout the site, including entering and exiting the same; indeed, enough room must be provided on the Site to allow for vehicles exiting the automatic car wash to either make a left turn and remain on Site so that customers can access other services or proceed to exit the Site onto Old Bardstown Road; consequently, the granting of this variance relief will help ensure the public’s health, safety and welfare, and

**WHEREAS**, the Commission further finds that the variance will not alter the essential character of the general vicinity, which is characterized by a mix of residential and commercial developments; in the more immediate area, the proposed car wash’s front facade will be similarly aligned with the front facades of the neighboring Rite Aid and medical spa buildings; in fact, the proposed car-wash building’s orientation on the Site virtually reflects the medical spa building the south; like the proposed car wash, the medical spa building is shaped like an “L” that points its long end toward Old Bardstown Road and its short end away from the property line shared with the Subject Property; moreover, like the proposed car wash, the medical spa building also does not meet the maximum setback, as its front façade occupies far less than 60% of its lot’s frontage; as a result of the similarity in building orientation shared between the adjacent properties, the proposed car wash will complement the neighboring medical spa,

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especially from the perspective of Old Bardstown Road; more generally, the proposed car wash is an appropriate development of an underutilized property along a commercialized section of Old Bardstown Road, where it intersects with the larger commercial corridor, Bardstown Road; other land uses in this area include Aspen Creek Grill restaurant and Thortons gas station located on the other side of the Ride Aid, and, just across Bardstown Road, there is a Kohl's Department Store, Outback Steakhouse, and Marathon Gas, among numerous other commercial properties, and residential to the west; therefore, granting the requested variance will not alter the essential character of the general vicinity, and

**WHEREAS**, the Commission further finds that the proposed variances will not cause a hazard or nuisance to the public because the resultant setbacks will be consistent with setbacks in the general vicinity and a good portion of the car wash's front façade will nearly align with the front façade of the neighboring medical spa building to the south; twenty-five percent of the car-wash building will comply with the applicable 80-foot maximum setback and the additional setback of the detailing portion of the car wash structure is consistent with how the additional portion of the medical spa building is setback from Old Bardstown Road. Adequate utilities and infrastructure exist to support the proposed use; therefore, the proposed variance will not cause a hazard or nuisance to the public, and

**WHEREAS**, the Commission further finds that as stated, the requested variances will allow the proposed building to be consistent with the pattern of development in the immediate vicinity and allow for safe and efficient vehicular movement throughout the Site; and as mentioned, a portion of the car-wash building proposed for the site will abide by the maximum setback requirement and the relief being requested is to allow for the northern section of the car wash, where vehicles exiting the car wash can go to receive detailing services, to setback back just outside of the 80-foot maximum requirement; this minor extra setback of the building is not unreasonable, especially when considering the fact that the proposed redesign of the Old Bardstown Road and Hillock intersection shows Old Bardstown Road curving into the Subject Property and away from Bardstown Road, thereby lessening the car wash's additional setback from Old Bardstown Road; accordingly, granting the variances will not allow an unreasonable circumvention of the requirements of the zoning regulations, and

**WHEREAS**, the Commission further finds that as described, the Subject Property is located on a corner lot at the intersection of three streets, which contain differing levels of service; along with the proposed development, the applicant is dedicating additional right-of-way to the public that will provide more area to safely redesign the intersection of Hillock Drive, Old Bardstown Road and Bardstown Road; thus, due to the proposed redesigned intersection, the Site has been modified to incorporate necessary adjustments therein, ensuring the safe maneuverability of vehicles throughout the site and, once the redesigned intersection has been constructed, safe access to Hillock Drive and Old Bardstown Road; the variance is partially a result of the special circumstances arising from the redesign of this intersection, which does not generally apply to land in the general or immediate vicinity, and

**WHEREAS**, the Commission further finds that the applicant is not responsible for the need to redesign the intersection of Hillock Drive, Old Bardstown Road and Bardstown Road, but is dedicating land to facilitate its construction; accordingly, the circumstances giving rise to the

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variances are not the result of actions taken by the application subsequent to the adoption of the regulations from which relief is sought; and if required to fully comply with the maximum setbacks of the Neighborhood Form District, the applicant would be unable to reasonably use its land in a similar manner to the adjacent property to the south; in addition, requiring 80-foot setbacks along the proposed redesigned Old Bardstown Road would deprive the applicant of the reasonable use of the land and create an unsafe and inefficient site design for vehicular movement throughout the Subject Property, creating an unnecessary hardship on the applicant, and

**Detailed District Development Plan**

**WHEREAS**, the Louisville Metro Planning Commission finds that no tree canopy will be preserved, but all tree canopy and other planting requirements will be met. LOJIC has not identified any other natural features on site, and

**WHEREAS**, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan. The applicant has also proposed the realignment of Old Bardstown Road that will improve safety at its intersection with Hillock Drive, and

**WHEREAS**, the Commission further finds that there is no open space requirement for this site, and

**WHEREAS**, the Commission further finds that 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 that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways, and

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE (1)** the variance from Section 5.3.2, Table 5.3.2 to allow the building to exceed the maximum front setback of 80' by 40' and **(2)** the detailed district development plan **ON CONDITION** that the variance request is added to the plan, **SUBJECT** to the following binding elements:

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

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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 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 Develop Louisville and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
4. 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.
5. 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.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 1, 2018 Planning Commission meeting.

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7. At such time that this property is redeveloped for a use other than a car wash, a unified access and circulation system shall be developed to eliminate preexisting curb cuts along Old Bardstown Road and provide for vehicular movement throughout abutting sites as determined appropriate by the Department of Public Works. A cross access agreement to run with the land and in a form acceptable to the Planning Commission legal counsel shall be recorded prior to the time of construction approval for the abutting property to be developed.
8. The area identified for future right-of-way for the relocation of Old Bardstown Road, as shown, shall be dedicated to public use by minor plat or deed at the applicant's expense within 60 days of request by the Director of Louisville Metro Public Works.
9. A 25 ft LBA shall be provided along the rear property line with an 8 ft high privacy fence and tall shrubs.
10. A 15 ft LBA shall be provided along the south property line with an 8 ft high privacy fence and tall shrubs to where the day care ends and the office property begins
11. The hours of operation for the carwash shall be from 8:00 a.m. to 9:00 p.m.

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**  
**NOT PRESENT: Peterson, Ferguson, and Tomes**



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Project Name:	The Farms at Lovers Lane
Location:	6015 Lovers Lane
Owner(s):	Superior Builders, Inc.
Applicant:	Superior Builders, Inc.
Representative(s):	BlueStone Engineers, PLLC – Chris Crumpton
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
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:**

**02:18:27** Joel Dock discussed the case summary, standard of review and staff analysis from the staff report.

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

Chris Crumpton, 3703 Taylorsville Road, Suite 205, Louisville, KY 40220  
Brian Wacker, Superior Builders, Inc., 9300 Bates Rd, Louisville, KY 40228

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

**02:22:33** Chris Crumpton summarized the applicant's proposal and showed a presentation. Mr. Crumpton responded to questions from the Commissioners.

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

Robert Poulton, 6005 Lovers Lane, Louisville, KY 40291

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

**02:33:00** Robert Poulton lives near the subject site. He understands that the area is growing, but acknowledged the need for better growth management. He would like to keep the current zoning intact.

**Rebuttal:**

**02:35:43** Brian Wacker spoke in rebuttal.

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**02:37:41** Mr. Wacker and Mr. Crumpton responded to questions from the Commissioners.

**Deliberation:**

**02:41:29** The Commissioners concur that the proposal is justified.

**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 R-5**

**02:46:19** On a motion by Commissioner Brown, seconded by Commissioner Lindsey, the following resolution, based on the Cornerstone 2020 Checklist, the applicant's zoning justification, and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the subject site is surrounded by lower density subdivisions and would create an inter-connected slightly higher density development. The gross density proposed is 4.5 du/ac and the net density is 5.61 du/ac which is considered to be low density residential and similar to the maximum density of the existing zoning district which is 4.84 du/ac. The requested district would allow for lot sizes to be a minimum of 6,000 sq. ft. Proposed lots are for single-family residential use only and will comply with LDC 5.4.2. Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Sidewalks and connections to abutting subdivision both proposed and exiting are being provided, as well as a stub connection to facilitate future growth, and

**WHEREAS**, the Commission further finds that the proposal meets the Centers guideline because proposed rezoning is for low-density (7.26 du/ac) single-family subdivision. The proposed density is higher than that of surrounding developments and utilizes the land area in a manner that compatible with adjacent R-4 districts, while also continuing the hierarchy of the street grid and infrastructure. The design of the subdivision does not hinder the mobility of users of multiple modes of transportation and promotes the future growth of transportation infrastructure through provision of sidewalks and connectivity. The subject site is within 1-mile of a commercial corridor which provides 1st and 2nd order goods, as well as access to public transportation. The sharing of entrance and parking facilities to reduce curb cuts and surface parking is provided as the Subdivision will connect to an existing subdivision and share access points to Lovers lane and Billtown Road. Utility easements to provide access for maintenance and to provide services in common for adjacent developments has been provided. Single-family lots will be served by a local road and sidewalks will be provided. Although pedestrian access to centers is not friendly the subject is within 1-mile of a commercial corridor which provides 1st and 2nd order goods, as well as access to public transportation. The Development plan provides sidewalks along the subdivisions frontage, and

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**WHEREAS**, the Commission further finds that the proposal meets the Compatibility guideline because the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development. The proposed subdivision is for single-family residential use only and will promote vehicular and pedestrian connection to adjacent residential areas of the form district. Residential development will occur in accordance with the residential site design standards of LDC 5.4.2. While the density will be increased slightly by the proposed zoning change all lots will be restricted to single family use only. The subject site is at the edge of an existing R-4 subdivision and proposed R-4 preliminary subdivision with frontage and nearest access from Lovers Lane, a collector level roadway. The proposal will not create significant amounts of traffic as it is for single-family use and has appropriate connections to roadway and adjacent lands. Lighting will not exceed what is necessary for single-family residential use and safety. The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern. The proposal introduces a smaller lot size pattern to surrounding low density residential subdivisions. The subject site is located along a collector level roadway. The subject site is located within proximity to a commercial corridor providing first and second order goods to meet the needs of persons with disabilities or the elderly. The smaller lot size also decreases the burden of maintenance on homeowners. Smaller lot sizes are being proposed which aids in creating a variety of housing options to decreases the burdens of the cost of maintenance of land. Surrounding uses are single family residential and compatible with the proposed development. A larger lot to the North is being buffered with a 15' LBA as required by the LDC. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. Residential site design standards of LDC 5.4.2 are applicable, and

**WHEREAS**, the Commission further finds that the proposal meets the Open Space guideline because tree canopy in excess of the existing coverage is being provided. Open space is not required in this form district for standard subdivisions, and

**WHEREAS**, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because the site contains hydric soils, potential wetlands, and possible erodible soils. MSD has approved the preliminary plans and will ensure the appropriate development of the lands to reduce the impact of development that may result in environmental degradation. The subject site does not appear to have any historic or architectural features of significance, and

**WHEREAS**, the Commission further finds that the proposal meets the Circulation guideline because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. Note 45 on the proposed development indicate the specific details of these roadway improvements. The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development from an adjacent subdivision to the collector roadway and adequate street stubs have been provided from a proposed subdivision

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to the South and to large residential tracts to the North. Streets and sidewalks are in compliance with the LDC. The nearest transit stop is at Seatonville Road and Bardstown Road, and

**WHEREAS**, the Commission further finds that the proposal meets the Transportation Facility Design guideline because adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land. Stubs are provided to the North and to the South. The proposed development is accessed to through areas of significantly lower intensity or density. The density is only slightly higher and has frontage on a collector level roadway. The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site. Sycamore Bend Trace is a local road. Lovers Lane is a collector level roadway. Lovers Lane continues to Seatonville Road and connects to Bardstown Road which is a commercial corridor, and

**WHEREAS**, the Commission further finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity. Sidewalks and streets are provided to encourage the safe movement of pedestrians and vehicles from adjacent developments, proposed developments, and to accommodate future growth, and

**WHEREAS**, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area, and

**WHEREAS**, the Commission further finds that the proposal meets the Landscape Character guideline because the proposal does not abut any natural corridors that would need to be continued, and

**WHEREAS**, the Commission further finds that the proposal meets the Infrastructure guideline because the precise location of utilities and service will be determined at the record plat stage in consultation with all utility providers. The Fern Creek fire department has expressed no concerns with the proposed development. LWC has no objections to the proposal, and

**WHEREAS**, the Commission further finds that the intent of this guideline is to "ensure that new development will be designed to be compatible with the scale, rhythm, form and function of the existing development as well as with the pattern of uses" and "to use patterns of development ...identified as 'community forms' as guides for land use decisions..." In addition, this guideline, evaluates the appropriateness of a land development proposal in the "context of the description, character and function of the form district designated for the area, the intensity and density of the proposed land use or mixture of land uses; the effect of the proposed development on the movement of people and goods; and the compatibility of the proposed use or uses with surrounding uses including the relationship of the use, mass, scale, height, materials, building footprint, orientation, setback and design of the proposed building or buildings with the

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surrounding buildings. The applicant of this proposal has addressed, as much as possible, the many aspects, goals and objectives, guidelines and policies, of Cornerstone 2020, taking into account that this property, is currently zoned R-4 and is adjacent to Lover's Lane Section 3. The applicant has prepared a detailed district development and subdivision plan for the creation of 44 single family homes. Each lot is a minimum of 55 feet in width. The property is uniquely available to be an extension of Sycamore Bend Trace and a connection to Lover's Lane for Lover's Lane Subdivisions and Jefferson Trace Subdivisions. Jefferson Trace Subdivision contains 150 lots or more and has only one access point at the present time. This is approaching the maximum with only one access and would be a welcomed connection by emergency services. This proposal is compatible with the surrounding uses in relation to use, mass, scale... The applicant will be providing a signature entrance and landscaping. The development will have sidewalks on both sides of the street creating connectivity throughout the area. The proposal will not be out of character in the neighborhood since it is of similar intensity, mass and scale with the other residential housing types in this area. The proposed R-5 zoning is compatible with the surrounding single family zoning classifications. The neighborhood form area "is characterized by predominantly residential uses that vary from low to medium densities that blend compatibility into the existing landscape and neighborhood. The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit. Examples of design elements that encourage interaction include narrow streets, street trees, sidewalks, shaded seating/ gathering and bus stops..." The proposal appears in compliance with the Neighborhood form area for the following reasons, among others identified elsewhere in this proposal and herein below. The site is located within the Neighborhood Form District where there is already a variety of housing opportunities and within close proximity to the commercial and non-residential uses. This portion of Fern Creek is mostly residential with a commercial center located at Bardstown Road. The proposed development will provide a small open space for its residents as well sidewalks and a stub street for future connectivity. The development as mentioned above provides for adequate internal and external circulation and connectivity for the proposed and existing residences of Lover's Lane and Jefferson Trace Subdivisions, and

**WHEREAS**, the Commission further finds that the intent of this guideline is to "encourage mixed land uses organized around compact activity centers that are existing, proposed or planned. To promote an efficient use of land and investment in existing infrastructure, to lower utility costs by reducing the need for extensions, to reduce commuting time and transportation related air pollution..." The applicant of this proposal has addressed, as much as possible, the many aspects, goals and objectives, guidelines and policies, of Cornerstone 2020, taking into account that this property, is located within close proximity to the commercial corridor of Bardstown Road, north of I-265 and north of Seatonville Road. The layout is efficient and clear and provides a connective layout for this piece of property, and

**WHEREAS**, the Commission further finds that the intent of this guideline is to " allow a mixture of land uses and densities near each other as long as they are designed to be compatible with each other, to prohibit the location of sensitive land uses in areas where accepted standards for

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noise, lighting, odors, or similar nuisances are violated or visual quality is significantly diminished ... and to preserve the character of the existing neighborhoods." The applicant of this proposal has addressed, as much as possible, the policies of this Guideline for one the proposed use is the same as other uses in the area and is being designed in a similar intensity, mass and scale. In regards to policy 2 and 3, the proposed units will be of a mostly brick construction which is comparable to the existing residential uses in the area. The property will be landscaped according to L.D.C. requirements. Any proposed lighting will be standard low wattage street lighting and residential house lighting. In regards to policy 10, this development will provide an alternative to single family detached housing that is prominent in this area. The development will provide home ownership to people wanting variety while remaining in the area. In regards to policy 28, any proposed signage will be compatible with the existing residential community and in compliance with the Land Development Code. The developer is proposing a signature entrance with landscaping at the main entrance of Lover's Lane. The Air Pollution Control District has performed a preliminary screening and indicates that this project will not have an adverse impact on air quality. The proposal has received preliminary approval from the Metropolitan Sewer District and Louisville Metro Public Works. The applicant is providing stub streets to adjacent properties for future activity, and

**WHEREAS**, the Commission further finds that the intent of this guideline is to "enhance the quality of life in Jefferson County by ensuring well designed permanently protected open spaces that meet the community needs." The proposal complies with this guideline as the projects open spaces are integrated as slots located at the entry and signature entry with landscape areas, and

**WHEREAS**, the Commission further finds that the intent of this guideline, among others, is "to protect natural areas, features and important scenic and historic resources." This proposal complies with this guideline as the creation of a signature entry along the Lover's Lane. There are no blue line stream corridors, significant environmental or historical features on site, and

**WHEREAS**, the Commission further finds that the intent of this guideline, among others, is "to ensure the availability of necessary land to facilitate commercial, industrial and residential development" by reducing public and private costs for land development. The proposal complies with this guideline because it uses existing and adequate infrastructure for development. This location is quite appropriate for the use due to its location along a major arterial and that it is a low intensity residential use with access from an established residential street, and

**WHEREAS**, the Commission further finds that the intent of this guideline is "to provide safe and proper functioning of the street network..., to ensure that new developments do not exceed carrying capacity of streets, to ensure that internal and external circulation of all new development provides safe and efficient travel movement by all types of transportation..., to address air quality and congestion issues and to ensure that transportation facilities are compatible with district goals and objectives..." This proposal complies with this guideline in the fact that site access will be through a functioning street network and that the development will not exceed carrying capacity of the streets. Internal and external circulation will be designed

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in a manner to promote safe and efficient access by all means of transportation, not limited to vehicles, and

**WHEREAS**, the Commission further finds that the intent of this guideline is "to increase energy efficiency, as well as to promote improved air quality and recreational opportunities, to manage the demand for travel and improve the efficiency of the transportation system, to improve pedestrian access..., to reduce major conflicts between vehicular, bicycle and pedestrian movements for improved safety." This proposal complies with the intent and policies of this guideline because, as noted above and on the detailed district development plan accompanying this application, there are existing sidewalks along Sycamore Bend Trace and Gordon Fann Trace and will provide good internal circulation and better access south, which meets the requirements of the Louisville Metro Department of Public Works, and

**WHEREAS**, the Commission further finds that the intent and policies of this guideline pertain to minimizing the potential impacts of flooding and effectively managing stormwater through such things as, mitigating negative development impacts the watershed and regulatory floodplain, by minimizing impervious surface area, protecting blue line streams...This proposal complies with the intent and policies of this guideline because the development will utilize best management practices for construction activities. The applicant will make all necessary site improvements to provide adequate drainage on site and will not hamper surrounding properties, and

**WHEREAS**, the Commission further finds that the intent and policies of this guideline is to prevent the degradation of water quality due to erosion and sedimentation from developments. This proposal complies with the intent and policies of this guideline because, among other things, the applicant will prepare and follow an erosion and sedimentation control plan prepared in accordance with MSD Soil and Erosion Control Ordinance for any proposed construction activity that may be necessary to make required improvements to the entrance. Construction on the site will utilize best management practices to ensure that water quality is not compromised by the development, and

**WHEREAS**, the Commission further finds that the intent and policies of this guideline are to minimize, reduce or eliminate the impacts on air quality through appropriate land use planning and design. This proposal complies with the intent and policies of this guideline because of the specific use, has been in existence for some time and is located in close proximity to other similar uses and therefore will not generate large amounts of traffic at one time. The development plan has received preliminary approval by the Air Pollution Control District, and

**WHEREAS**, the Commission further finds that the intent and policies of this guideline is to "protect and enhance landscape character". This proposal complies with the intent and policies of this guideline by preserving as many existing trees as possible and by landscaping the site in accordance with the Land Development Code, and

**WHEREAS**, the Commission further finds that the intent and policies of this guideline is to "develop effective connections between land use patterns... to ensure that the carrying capacity of the land and infrastructure is not exceeded ...This proposal complies with the intent and policies of this guideline. With the expansion of Sycamore Bend Trace and other cross road

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infrastructure being constructed. The expansion strengthens the existing system. The developer is also in negotiations to use the road bond money's to be set assign to complete the Veteran's Drive along the frontage of the Lover's Lane subdivision from Section 1 to Section 2; now, therefore be it

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

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**

**NOT PRESENT: Peterson, Ferguson, and Tomes**

**Major Preliminary Subdivision/District Development Plan**

**02:46:57** On a motion by Commissioner Brown, seconded by Commissioner Lindsey, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the site contains hydric soils, potential wetlands, and possible erodible soils. MSD has approved the preliminary plans and will ensure the appropriate development of the lands to reduce the impact of development that may result in environmental degradation, and

**WHEREAS**, the Commission further finds that the proposal includes at least one continuous roadway through the development from an adjacent subdivision to the collector roadway and adequate street stubs have been provided from a proposed subdivision to the South and to large residential tracts to the North. Sidewalks are provided along all proposed roadways and along the frontage of the subject site at Lovers Lane, and

**WHEREAS**, the Commission further finds that open space is not required for standard subdivision in the Neighborhood Form District, and

**WHEREAS**, the Commission further finds that 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 Commission further finds that setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. Residential site design standards of LDC 5.4.2 are applicable. Surrounding uses are single family residential and compatible with the proposed development. A larger lot to the North is being buffered with a 15' LBA as required by the LDC, and



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**WHEREAS**, the Commission further finds that the development plan is consistent with applicable policies of the Comprehensive Plan as demonstrated in the Cornerstone 2020 Staff Checklist and as provide for in the Staff Analysis of the rezoning; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the major preliminary subdivision/district development plan, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission 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 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 or alteration permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review 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.
  - d. A major subdivision plat creating the lots, easements, and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
4. 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.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development

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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.

6. The site shall be developed in accordance with the tree preservation areas delineated on the tree preservation/landscaping plan. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan
7. The following note shall be provided within the deed restrictions for the subject site prior to recording of the record plat:
  - a. Tree Canopy Protection Areas (TCPAs) are individual trees and/or groupings of trees (trees may be existing or proposed) designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code (LDC), and are to be permanently protected. There shall be no disturbance or removal of any trees in the TCPAs identified on the tree preservation/landscape plan on file in the offices of the Planning Commission. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of preliminary plan approval. No further clearing, grading, construction or other land disturbing activity shall take place beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved preliminary subdivision plan.
8. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
  - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TCPAs and other issues required by these binding elements / conditions of approval.
  - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
9. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than

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\$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

10. Developer shall post a bond for future speed hump installation along Sycamore Bend Trace if speed hump warrants are met and affected property owners support installation in accordance with the current Public Works and Assets speed hump policy. If warrants are not met within two years of the subdivision bond release, the speed hump bond will be released back to the developer.

**The vote was as follows:**

**YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson**

**NOT PRESENT: Peterson, Ferguson, and Tomes**

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**STANDING COMMITTEE REPORTS**

**Land Development & Transportation Committee**  
No report given.

**Site Inspection Committee**  
No report given.

**Planning Committee**  
No report given.

**Development Review Committee**  
No report given.

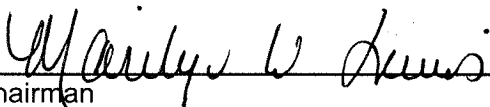
**Policy & Procedures Committee**  
No report given.


**CHAIRPERSON/DIRECTOR'S REPORT**

No report given

**ADJOURNMENT**

The meeting adjourned at approximately 3:45 p.m.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Division Director