

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
September 16, 2021**

A meeting of the Louisville Metro Planning Commission was held at 1:00 p.m. on Thursday, September 2, 2021 via Webex.

Commission members present:

Lula Howard, Vice Chair
Rich Carlson
Jeff Brown
Jim Mims
Patricia Seitz
Te'Andre Sistrunk
Patricia Clare
Marilyn Lewis, Chair
Rob Peterson

Commission members absent:

Ruth Daniels

Staff Members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Joe Haberman, Manager, Planning & Design Services
Brian Davis, Manager, Planning & Design Services
Julia Williams, Supervisor, Planning & Design Services
Chris French, Supervisor, Planning & Design Services
Michael Wilcher, Supervisor, Planning & Design Services
Dante St. Germain, Planner II
Laura Ferguson, Legal Counsel
Beth Stuber, Transportation Planning
Pamela M. Brashear, Management Assistant

The following matters were considered:

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September 16, 2021**

APPROVAL OF MINUTES

SEPTEMBER 2, 2021 PLANNING COMMISSION REGULAR MEETING MINUTES

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

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on September 2, 2021.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Mims, Seitz, Sistrunk and Howard

NOT PRESENT FOR THIS CASE: Commissioner Daniels

ABSTAINING: Commissioners Peterson and Lewis

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PUBLIC HEARING

CASE NO. 21-ZONE-0060

Request: Change in zoning from R-6 to R-7, with Detailed District Development Plan and Binding Elements, and Variance and Waivers

Project Name: Atwood Street Rezoning

Location: 528 & 530 Atwood Street

Owner: Frances & Gail Linville, Dennis & Janice Linville

Applicant: Frances & Gail Linville, Dennis & Janice Linville

Representative: Dinsmore & Shohl

Jurisdiction: Louisville Metro

Council District: 15 – Kevin Triplett

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

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

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

Agency Testimony:

00:55:55 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

Dante St. Germain said there was a typo in the staff report stating that the waivers were adequately justified. It should have said the waivers are not adequately justified and do not meet the Standard of Review.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 103 South 5th Street, Louisville, Ky. 40202
John Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, Ky. 40220

Summary of testimony of those in favor:

Cliff Ashburner gave a power point presentation. There are concerns about providing off-street parking when intensifying the use of the property. Off-street parking will be provided at the maximum. There are 11 units (to be reduced to 6) and a total of 15 bedrooms (see recording for detailed presentation).

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John Addington answered Commissioner Peterson's question regarding the concrete area behind the parking – Is it a patio? They're leaving enough room for 2 roll-out (garbage and recycling) bins per unit (see recording for detailed presentation).

Deliberation

Planning Commission deliberation.

Cliff Ashburner said he would eliminate the parking space adjacent to Bradley. Ms. St. Germain said replacing the parking space with green space will satisfy the ILA, Internal Landscape Area requirement. Withdrawing parking space 12 will eliminate both waivers (see recording for detailed presentation).

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

Zoning Change from R-6 to R-7

On a motion by Commissioner Mims, seconded by Commissioner Seitz, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposal is for higher density and intensity zoning. The site is near the University of Louisville, a major employment and activity center; the proposed zoning district is substantially similar to the existing zoning district on the adjacent lot. No transition is required; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposal would allow for new development providing residential uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, the existing structures on the site are not proposed to be preserved. The structures are not distinctive cultural features; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposal is for higher density

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or intensity zoning. The site is close to the University of Louisville, a major activity center and employment center; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access to the site is via Bradley Avenue and an alley; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposal would increase the mixture of compatible land uses in a walkable neighborhood close to transit. The nearest transit line is along University Boulevard approximately 1 block to the west; Transportation Planning has approved the proposal; no direct residential access to high-speed roadways is proposed; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, no natural resources are evident on the site. Street trees will be provided; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposal would increase the variety of housing types in the neighborhood and provide multi-family housing which reflects the form district pattern; the proposal would support aging in place by increasing the variety of housing options in a walkable, connected neighborhood; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposal would permit inter-generational, mixed-income development that is connected to the neighborhood and surrounding area; the site is in proximity to a multi-modal transportation corridor providing safe and convenient access to employment opportunities and to amenities providing neighborhood goods and services. The site is close to a major activity center at the University of Louisville; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the proposed zoning district would encourage the provision of fair and affordable housing by increasing the variety of ownership options and price points in Louisville Metro; the existing residences are in

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disrepair and no existing residents will be displaced by the proposal; and the proposed zoning district would permit innovative methods of housing.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-6, Multi-Family Residential to R-7, Multi-Family Residential on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Howard, Mims, Peterson, Seitz, Sistrunk and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Daniels

Variance from 5.4.1.D.2 to reduce the required Private Yard Area (required 3,424 sf, requested 0 sf, variance of 3,424 sf) (21-VARIANCE-0064)

On a motion by Commissioner Mims, seconded by Commissioner Peterson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare as the reduction in private yard area will impact only the future residents, who will move in with the awareness that there is no private yard area; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as the other multi-family development in the vicinity is variable in character and does not always provide private yard area; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public because the structure must be constructed to comply with building codes; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations as the design of the site otherwise complies with the design requirements of residential development in the Traditional Neighborhood form; and

WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lot is irregular in shape; and

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WHEREAS, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring a significant area between the principal structure and the parking in the rear, which the proposed multi-family development would not support; and

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a Variance from 5.4.1.D.2 to reduce the required Private Yard Area (required 3,424 sf, requested 0 sf, variance of 3,424 sf) (21-VARIANCE-0064).

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Howard, Mims, Peterson, Seitz, Sistrunk and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Daniels

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Mims, seconded by Commissioner Seitz, the following resolution based on the Standard of Review and testimony heard today was adopted.

WHEREAS, tree canopy will be provided on the site. No other natural resources are evident on the site; and

WHEREAS, 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; and

WHEREAS, no open space requirements are pertinent to the request; and

WHEREAS, 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

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WHEREAS, the Louisville Metro Planning Commission finds, the overall site design is compatible with existing and projected future development of the area. The site will be developed at an appropriate intensity and scale for the form district and the area; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Land Development Code, with the exception of the requested waivers and variance, and conforms with the Comprehensive Plan.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan **ON CONDITION** that parking space #12 be eliminated from 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 Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. 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.

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d. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way as shown on the plan and consolidating the properties into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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.

The vote was as follows:

YES: Commissioners Carlson, Clare, Howard, Mims, Peterson, Seitz, Sistrunk and Lewis

NO: Commissioner Brown

NOT PRESENT AND NOT VOTING: Commissioner Daniels

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CASE NO. 21-ZONE-0058

Request: Change in zoning from R-4 to C-2, with Detailed District Development Plan and Binding Elements, and Variances and Waiver

Project Name: Poplar Level Road Contractors Shops

Location: 4636 Poplar Level Road

Owner: High Bridge Development LLC

Applicant: High Bridge Development LLC

Representative: BTM Engineering

Jurisdiction: Louisville Metro

Council District: 2 – Barbara Shanklin

Case Manager: Dante St. Germain, 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:

02:16:13 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

The following spoke in favor of this request:

Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, Ky. 40220

Summary of testimony of those in favor:

Chris Brown gave a power point presentation. The proposal is appropriate for the mixed zoning area. There's no tenant and no hours of operation at this time (see recording for detailed presentation).

Laura Ferguson read the following proposed binding element #8: No power equipment that will cause a noise disturbance will be run between the hours of 10 p.m. and 6 a.m.

Deliberation

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Planning Commission deliberation.

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

Zoning Change from R-4 to C-2

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the neighborhood is mixed-use and mixed zoning, and the proposal would not constitute a non-residential expansion into an existing residential area; the site is located on Poplar Level Road, a major arterial and transit corridor at this location; the site is not located in a workplace form district, but is located on Poplar Level Road, a major arterial and transit corridor; The proposed zoning district would not permit hazardous uses. Uses with air, noise and light emissions must comply with LDC and LMCO restrictions; the proposed zoning district would not permit uses with noxious odors, particulates or emissions; the site is located on Poplar Level Road, a major arterial at this location; any adverse impacts from noise will be mitigated by the required landscaping; the proposed zoning district would not permit junkyards, landfills or quarries or uses of similar intensity; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the site is located adjacent to an existing workplace form district and the design and density will be compatible with the desired form, adjacent uses and existing and planned infrastructure; The site has appropriate access and connectivity. It is located on Poplar Level Road, a major arterial at this location; the site is located across Poplar Level Road from an existing activity and employment center; the proposed zoning district would permit a more compact pattern of development in an activity center; the proposed zoning district would permit a mixture of compatible land uses; the proposed zoning district would permit residential or office uses above retail and other mixed-use multi-story retail buildings; the proposed zoning district would permit new development with commercial uses; the proposal does not include underutilized parking lots; the proposed zoning district, given the size and shape of the lot, would permit development which is appropriate in design and scale in the Neighborhood form. The site is an appropriate location for C-2 development; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, no natural features are evident on the site; no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the site is located across Poplar Level Road from an existing activity and employment center. Poplar Level Road is a major arterial and transit corridor; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access to the site is via Poplar Level Road, a major arterial at this location; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the site is easily accessible by bicycle, car, transit, pedestrians and people with disabilities. The proposal would create an employment center adjacent to existing housing; the site is located on a transit corridor; Transportation Planning has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the site is located adjacent to existing industrial zoning and uses; the site is located on a major arterial street, Poplar Level Road; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposal would support aging in place by permitting commercial uses close to housing; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposal would encourage intergenerational mixed-income and mixed-use development by permitting commercial development close to housing; the proposal would permit amenities providing neighborhood goods and services close to existing housing; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, no existing residents will be

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displaced by the proposal; the proposed zoning district would permit innovative methods of housing.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, Single Family to C-2, Commercial on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Howard, Mims, Peterson, Seitz, Sistrunk and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Daniels

Waiver from Table 10.2.3 to encroach into the required property perimeter Landscape Buffer Area (LBA) by 25' on the west and east property lines (21-WAIVER-0082)

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as the encroachment into the required LBA on either side of the lot largely has no impact on the adjacent sites, as there is an access road on the west side and an undeveloped lot on most of the eastern side, with only a small portion of developed multi-family affected by the encroachment; and

WHEREAS, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate transitions between uses which are significantly different in intensity or density. The appropriate transition will be provided; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the encroachment is needed in order to make a relatively narrow lot buildable; and

WHEREAS, the Louisville Metro Planning Commission further finds 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 by requiring a deep setback which would make the lot almost unbuildable.

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RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a Waiver from Table 10.2.3 to encroach into the required property perimeter Landscape Buffer Area (LBA) by 25' on the west and east property lines (21-WAIVER-0082).

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Howard, Mims, Peterson, Seitz, Sistrunk and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Daniels

Variance #1: from Table 5.3.2 to encroach into the required setback to residential uses, without loading, on the west side property line (required 30', requested 10', variance of 20') (21- VARIANCE-0087)

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

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare as the encroachment into the required setback will not have a public impact; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as the encroachment will not generally be visible from the public right-of-way; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public as the encroachment will not impact sight lines, and the building will be constructed to building code; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed setback is against an access road leading to multi-family development, but not against the multi-family development itself; and

WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lot is irregular in shape and narrow enough that if the applicant were to comply with the setbacks, the lot would be almost unbuildable; and

WHEREAS, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land

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or create an unnecessary hardship on the applicant by requiring a significant setback to an access road, which would make the lot nearly unbuildable; and

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

Variance #2: from Table 5.3.2 to encroach into the required setback to residential uses, with loading, on the east side property line (required 50', requested 10', variance of 40') (21- VARIANCE-0087)

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare as the encroachment into the required setback will not have a public impact; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as the encroachment will not generally be visible from the public right-of-way; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public as the encroachment will not impact sight lines, and the building will be constructed to building code; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed setback will mainly be against an undeveloped lot with only a small portion of the setback required against developed multi-family; and

WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lot is irregular in shape and narrow enough that if the applicant were to comply with the setbacks, the lot would be almost unbuildable; and

WHEREAS, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring a significant setback to an undeveloped lot, which would make the lot nearly unbuildable; and

WHEREAS, the Louisville Metro Planning Commission further finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the

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zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Variance #1 from Table 5.3.2 to encroach into the required setback to residential uses, without loading, on the west side property line (required 30', requested 10', variance of 20') (21- VARIANCE-0087) and Variance #2 from Table 5.3.2 to encroach into the required setback to residential uses, with loading, on the east side property line (required 50', requested 10', variance of 40') (21- VARIANCE-0087).

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Howard, Mims, Peterson, Seitz, Sistrunk and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Daniels

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Carlson, seconded by Commissioner Clare, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, tree canopy will be provided on the site. No other natural resources are evident on the site; and

WHEREAS, 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.

WHEREAS, no open space requirements are pertinent to the request; and

WHEREAS, 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 Louisville Metro Planning Commission finds, the overall site design is compatible with existing and projected future development of the area. The site will be developed at an appropriate intensity and scale for the form district and the area; and

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WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Land Development Code, with the exception of the requested waiver and variances, and conforms with the Comprehensive Plan.

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. 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. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

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

6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

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

8. No power equipment that will cause a noise disturbance will be run between the hours of 10 p.m. and 6 a.m

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Howard, Mims, Peterson, Seitz, Sistrunk and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Daniels

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PUBLIC HEARING

CASE NO. 21-ZONE-0057

Request: Change in zoning from R-4 to R-5A, with Detailed District Development Plan and Binding Elements
Project Name: Villas of Moore Woods
Location: 6906 Briscoe Lane, 6709 & 6803 Outer Loop
Owner: Hidenbrandt Family Trust, Duane & Kimberly Ralston, Donna Gullaume
Applicant: High Bridge Development LLC
Representative: BTM Engineering
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
Case Manager: Dante St. Germain, AICP, Planner II

NOTE: COMMISSIONER MIMS LEFT AND DID NOT VOTE ON THIS CASE

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

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

Agency Testimony:

02:50:56 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

The following spoke in favor of this request:

Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, Ky. 40220

Summary of testimony of those in favor:

Chris Brown gave a power point presentation. There will be road extension connectivity between Outer Loop and Briscoe Ln. as requested by Public Works and other interested parties during the process of pre-application to the formal filing. The plan meets the guidelines of Plan 2040, is in compliance with the Highview Neighborhood Plan and is an appropriate residential use for the Outer Loop and Briscoe Ln. corridors (see recording for detailed presentation).

The following spoke neither for nor against the request:

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PUBLIC HEARING

CASE NO. 21-ZONE-0057

Dennis Paul, 6800 Old Briscoe Lane, Louisville, Ky. 40228

Summary of testimony of those neither for nor against:

Dennis Paul said Briscoe Ln. has turned into a drag strip and the school parking lot into a place for doing drifting and burnouts. Can the road come off Outer Loop, make the first right and go straight out to Briscoe (see recording for detailed presentation)? Chris Brown said the Rochelle Rd. extension is intended to connect in the most direct way possible from Outer Loop to Briscoe Ln. (see recording for detailed presentation).

Deliberation

Planning Commission deliberation.

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

Zoning Change from R-4 to R-5A

On a motion by Commissioner Howard, seconded by Commissioner Sistrunk, the following resolution based on the Plan 2040 Staff Analysis, testimony and evidence provided was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the site is on Outer Loop, a major arterial and transit corridor at this location. Opposite the site, on the other side of Outer Loop, is a commercial activity center; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposal would permit new development providing residential uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, no distinctive cultural features are evident on the site; no historic assets are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the site is located on a transit corridor and near commercial uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access to the site is via Outer Loop, a major arterial at this location, and Briscoe Lane, a primary collector; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the site is easily accessible by bicycle, car, transit, pedestrians, and people with disabilities; Transportation Planning has approved the proposal; No direct residential access to high speed roadways is proposed; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, tree canopy will be provided on the site utilizing native species, so that the unique characteristics of the identified general landscape type and native plant communities are recognized and incorporated into the site; No karst features are evident on the site; the site is not located in the regulatory floodplain; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposal would increase the variety of housing types in the neighborhood; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposal would permit inter-generational mixed-income development; the site is located on Outer Loop, a multimodal transportation corridor. The site is within proximity to amenities providing neighborhood goods and services; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the proposed zoning district would

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increase the variety of ownership options and unit costs in Louisville Metro; the site is currently undeveloped and no existing residents will be displaced; the proposal would permit innovative methods of housing.

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

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Howard, Peterson, Seitz, Sistrunk and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Daniels and Mims

Detailed District Development Plan/Major Preliminary Subdivision with Binding Elements

On a motion by Commissioner Howard, seconded by Commissioner Sistrunk, the following resolution based on the Standard of Review and Staff Analysis was adopted.

WHEREAS, tree canopy will be provided on the site. No other natural resources are evident on the site; and

WHEREAS, 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; and

WHEREAS, required common open space is being provided to meet the needs of the proposed development. Recreational open space is not required due to the proximity of Highview Park; and

WHEREAS, 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 Louisville Metro Planning Commission finds, the overall site design is compatible with existing and projected future development of the area. The site is within an existing neighborhood node, and an extension of Rochelle Road will be provided to improve connectivity in the vicinity; and

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WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Land Development Code and conforms with the Comprehensive Plan.

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. The plan shall have, at a minimum, the landscaping as shown in the applicant's exhibit at the September 16, 2021 Planning Commission hearing.
 - 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 and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.

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e. The materials and design of structures shall be substantially the same as depicted in the rendering as presented at the September 16, 2021 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

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 Developer / Property Owner shall install a concrete boarding pad, bench pad and then notify TARC when the construction is complete. TARC will then install a standard bench. In addition, the Developer / Property Owner shall clean the stop as needed.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Howard, Peterson, Seitz, Sistrunk and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Daniels and Mims

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PUBLIC HEARING

CASE NO. BE Appeal – Old Bardstown Road

Request: Binding Element Appeal – 8102 Old Bardstown Road
Case Manager: Laura Ferguson, Jefferson County Attorney's Office

Agency Testimony:

03:25:56 Laura Ferguson gave a power point presentation. This case (17ZONE1042) was approved in 2018 and an amendment to the binding elements was approved on March 5, 2020. A notice of violation was issued on June 7, 2021 for binding element #1. A binding element citation was issued on August 11, 2021 for the same reason. No sidewalk has been constructed (see recording for detailed presentation).

Beth Stuber said the bond has not been released. Also, she never received a stamped copy of the construction plan (see recording for detailed presentation).

Appellant:

Chris Harrison, 181 Whirlaway Court, Bowling Green, Ky. 42104
Thad Lucas, 555 Dunbarton Avenue, Bowling Green, Ky. 42104
Andrew Williams, Strauss Law Group, 804 Stone Creek Parkway, Louisville, Ky. 40223

Summary of Appellant:

Chris Harrison is the owner of the car wash and he gave some background information. He said Metro Public Works asked him not to install the sidewalks (see recording for detailed presentation).

Thad Lucas said between the June 2018 and July 2018 submittals, the change was made to remove all references to the sidewalk and to the realignment project because it was unclear when and who would be doing the project. This was done per verbal conversation with Jeremiah Shaw.

Andrew Williams said the owner was taking the advice of the professionals he was in consultation with and the citations should be stopped (see recording for detailed presentation).

Commissioner Sistrunk asked if the encroachment permit could be pulled and provided at a later date (for the records). Commissioner Brown said Beth Stuber couldn't find a record of the encroachment permit.

Commissioner Brown said he thinks there are more binding element violations.

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CASE NO. BE Appeal – Old Bardstown Road

Laura Ferguson said binding element #12 (lack of sidewalk) was added by Metro Council (see recording for detailed presentation).

Deliberation

Planning Commission deliberation.

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

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the October 21, 2021 Planning Commission meeting to give both sides an opportunity to gather additional information regarding all approved development plans, approved construction plans by both Public Works and Inspections Permits and License (IPL) and any binding elements created by Metro Council, with all submitted materials to be forwarded to commissioners at least 1 week in advance.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Howard, Peterson, Seitz, Sistrunk and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Daniels and Mims

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PUBLIC HEARING

CASE NO. 21-LDC-0010

Request:	Truck Parking LDC Amendments
Location:	Louisville Metro
Applicant:	Louisville Metro
Jurisdiction:	Louisville Metro
Council District:	All Council Districts
Case Manager:	Joseph Haberman, AICP, Planning Manager

NOTE: COMMISSIONERS BROWN, SEITZ AND SISTRUNK LEFT AND DID NOT VOTE ON THIS CASE

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:

04:29:50 Joseph Haberman discussed the case summary, standard of review and staff analysis from the staff report.

Deliberation

Planning Commission deliberation.

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

An amendment to the Land Development Code (LDC) concerning regulations related to truck parking

PROPOSED AMENDMENTS Louisville Metro Land Development Code

Chapter 1 Part 2 Definitions

1.2.2 Definitions

For the purposes of Chapters 1 through 11 the following terms, phrases, words, and their derivations shall have the meaning contained herein, except where the context clearly requires otherwise.

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Loading Area/ Space (or Berth) - Designated areas where trucks may load and unload cargo. Said areas shall be at least 10 feet by 50 feet with a minimum height clearance of 14 feet and shall have appropriate means of access. Such spaces are considered "on-street" if they are located on a dedicated street right-of-way and are considered "off-street" if they are not.

Outdoor Storage – The keeping or stockpiling of any item(s) outside a building in a ~~non-residential zoning district~~ that is not directly accessible by the general public for more than twenty-four hours. The placement of moveable containers, including semi-trailers and containerized freight boxes, for the purpose of storage of inventory on a temporary basis (not to exceed two months in any calendar year) shall be considered outdoor storage.

Parking Area (or Lot) - An area of land reserved for the purpose of vehicular storage. Such areas shall include parking spaces and vehicular maneuvering area but shall not include outdoor display or sales areas or heavy truck storage areas.

Parking Space - An enclosed or unenclosed surfaced area permanently reserved for the temporary storage of one automobile/ motor vehicle and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles/ motor vehicles. Such spaces are considered "on-street" if they are located on a dedicated street right-of-way and are considered "off-street" if they are not.

Truck - A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten (10) persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration.

Trucks are divided into three (3) categories as follows:

(a) Light Truck. Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.

(b) Medium Truck. Medium trucks are trucks and similar vehicles, other than truck trailers, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.

(c) Heavy Truck. Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.

Utility Trailer – A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment. Utility trailers less than or equal to sixteen (16) feet in length shall be regulated as medium trucks. Utility trailers in excess of 16 feet in length shall be considered industrial vehicles and are regulated as heavy trucks. Utility trailers shall be measured excluding the "tongue".

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Vehicle – Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power.

Vehicle, Disabled or Inoperable – Any vehicle which is physically or mechanically incapable of being, or legally not permitted to be, operated on the public streets.

Vehicle, Passenger – A motor vehicle designed to carry ten (10) persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten (10) persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, sports utility vehicles (SUVs) and jeeps. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration.

Vehicle, Recreational – A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

A. Motor Home - Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or other truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise.

B. Accessory Recreational Vehicle - Accessory recreational vehicle includes non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. ~~Accessory recreational vehicles also include vehicles designed for off-road use such as off-road vehicles, dune buggies, recreational boats, and trailers used to haul these vehicles.~~ Accessory recreational vehicles and the trailers used to haul them less than or equal to 25 feet in length shall be regulated as medium trucks. Accessory recreational vehicles and trailers used to haul them in excess of 25 feet in length shall be regulated as heavy trucks.

Chapter 2 Part 4 Commercial Zoning Districts

2.4.6 C-M Commercial Manufacturing District

A. Permitted Uses:

All uses permitted in the C-2 Commercial and M-1 Industrial Districts, except single family dwellings.

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Note: All M-1 uses are permitted, so medium and heavy truck storage would be permitted in C-M

2.5.1 M-1 Industrial District

A. Permitted Uses:

Medical laboratories
Heavy truck off-street parking and storage
Office buildings, as accessory uses only

2.5.2 M-2 Industrial District

A. Permitted Uses:

All uses permitted in the M-1 District

Heavy truck and other heavy motor driven vehicles: sales, rental, and repair and storage

NOTE: ALL M-1 USES ARE PERMITTED, SO MEDIUM AND HEAVY TRUCK STORAGE WOULD BE PERMITTED IN M-2

2.5.3 M-3 Industrial District

A. Permitted Uses:

All uses permitted in the M-2 Industrial District

Note: All M-1 uses are permitted, so medium and heavy truck storage would be permitted in M-3

2.6.1 EZ-1 Enterprise Zone

A. Permitted Uses:

All uses permitted in the C-2 Commercial and M-3 Industrial Districts except as follows:

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1. All uses other than uses permitted in the C-2 and M-1 districts shall observe a 200-foot setback from any residential use not zoned EZ-1 or to the first street intersection, whichever is less. The Planning Commission may amend this restriction if it finds, following a public hearing with notice to residential property owners within said distance, that the proposed use will conform to a general district development plan with binding elements and conforms to the Comprehensive Plan.

Note: All M-1 uses are permitted, so medium and heavy truck storage would be permitted in EZ-1

2.6.3 PEC Planned Employment Center District

A. Permitted Uses:

All uses permitted in the M-2 Industrial District

Note: All M-1 uses are permitted, so medium and heavy truck storage would be permitted in PEC

2.6.6 W-3 Waterfront District

A. Permitted Uses:

All industrial uses permitted or conditional in the M-3 zone (other than uses listed above) when relocating from a site in the Waterfront Development Review Overlay District. (Such uses must obtain a conditional use permit in accordance with Chapter 4 Part 2, if it is a use needing a conditional use permit to locate in the M-3 zone.) Uses allowed in the M-1 and M-2 zoning districts that are not dependent on bulk water or river transportation when a part of a larger development, the remaining parts or uses of which meet the requirements listed above or when necessary for the efficient operation of any of the uses listed above as permitted uses that are located within this district.

Note: All M-1 uses are permitted, so medium and heavy truck storage would be permitted in W-3 if the standards can be met

4.2.1 Intent and Applicability

4.2.66 | Heavy Truck Off-Street Parking and Storage (C-2 and C-3 Districts)

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4.2.39 Off-Street Parking Areas

An Off-Street Parking Area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the following listed requirements.

- A. The area shall be located within 200 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks).
- B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.
- C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.
- D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.
- E. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the appropriate Director of Works prior to use of the parking area.
- F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for transportation planning prior to the public hearing on the Conditional Use Permit.
- G. Heavy truck parking/storage is not permitted under this section. This provision shall not be waived.

4.2.51 Storage Yard and Contractor's Yard (C-2, M-1, and C-M Districts)

A Storage Yard and Contractor's Yard may be allowed in ~~the~~ a C-2, M-1, and C-M Districts upon the granting of a Conditional Use Permit and compliance with the following listed requirements, except that ~~a C.U.P. such a conditional use~~ shall not be permitted within the Traditional Neighborhood ~~and~~ or Traditional Marketplace Corridor Form Districts.

- A. Outdoor storage areas are prohibited within any form district transition zone.
- B. Stacked materials and equipment shall not exceed a height of five feet.
- C. Outdoor storage areas shall be screened from adjacent streets and properties.
- D. Storage of combustible materials shall conform to the requirements of NFPA Pamphlet 30 (information on NFPA pamphlet 30 may be obtained from local fire department).
- E. Medium trucks may be appropriately parked in compliant parking spaces or loading areas.

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Heavy truck storage is permitted in the M-1 and C-M districts. Heavy truck storage in the C-2 district must be permitted in accordance with Section 4.2.66 of this Land Development Code.

4.2.66 Heavy Truck Off-Street Parking and Storage (C-2 and C-3 Districts)

Heavy Truck Off-Street Parking and Storage may be allowed in a C-2 or C-3 district upon the granting of a Conditional Use Permit and compliance with the following listed requirements. This section does not apply to any parking or loading area that may otherwise be required or allowed for by this Land Development Code.

A. The conditional use shall not be permitted within any Downtown, Traditional Neighborhood, Neighborhood, or Village Form District.

B. Parking and storage is prohibited within any required setback and/or form district transition zone.

C. Utility trailers and semi-trailers may be stored on the property in an incidental and accessory manner to the truck storage. Unless otherwise permitted by the zoning district, trailers and semi-trailers allowed for under this section shall be not be used for the storage of other goods and materials.

D. Other vehicles, including light and medium trucks, may also be stored. All vehicles, utility trailers, and semi-trailers stored on the property shall be operable. The storage of disabled or inoperable vehicles or trailers is not permitted under this section.

E. Adverse impacts related to truck lights, noise, and emissions shall be mitigated. A solid fence or wall is required to screen truck headlights on any contiguous, residentially used property. Trucks shall not idle while parked.

F. The subject property shall be of sufficient size to accommodate the truck parking and associated ingress/egress and maneuverability.

G. The storage area shall be screened with a fence, wall, berm, and/or hedge of at least eight (8) feet in height and canopy trees as required in Chapter 10 of this Land Development Code.

H. Landscape areas shall be provided to break up large impervious areas to provide the opportunity to capture parking lot stormwater runoff.

I. Outdoor lighting must meet all requirements provided in Section 4.1.3 of this Land Development Code.

4.4.8 Outdoor Sales, Displays, and Storage

The intent of this Section is to provide for the appropriate location and design of outdoor sales, display, and storage areas and to mitigate any adverse impacts that such uses may have on adjacent properties and rights-of-way. This section does not apply to outdoor storage that is more specifically regulated in other sections of this Land Development Code, including but not limited to parking areas and medium and heavy truck storage.

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A. Definitions.

Outdoor Sales and Display ~~and Outdoor Storage, Outdoor, Screened from View,~~

B. Outdoor sales, display and storage shall be permitted in the C-1, C-2, C- M, EZ-1, M-2, M-3, PD and PEC zoning districts only when the requirements of this Section are met.

C. Outdoor sales, display and storage shall be permitted in the C-1, C-2 and C-M zoning districts as well as commercial uses permitted within the PDD, M-2, M-3, EZ-1, and PEC zoning districts only when the following standards are met.

1. Outdoor Sales and Display Standards:

a. Outdoor sales and display may be permitted within an area not greater than 800 square feet or 10% of the ground floor area of the building, whichever is greater, and shall be located at least 25 feet from any residentially used or zoned property.

b. When outdoor sales and display occurs within 25 feet of a public right-of-way, item(s) shall not exceed 5 feet in height and shall be screened from view from the public right-of-way.

c. Stacked items located less than 50 feet from a public right-of- way shall not exceed 5 feet in height. Any material within 3 feet of any building entry shall not exceed 3.5 feet in height. (see illustration, below)

d. Vending and ice machines shall be permitted outside of the building when located against and parallel to the building facade. These items shall count towards the total outdoor sales and display area permitted by this Section. Vending machines shall include newspaper, beverage, food, or snack dispensers. Public telephones and mailboxes are excluded from this regulation.

e. Outdoor sales and display of items shall be located on a "hard and durable" surface as defined by Metro Public Works Standards.

2. Outdoor Storage Standards:

a. Outdoor storage may be permitted in areas that are designated for employees only and made inaccessible to the general public by means of a fence, wall or other permanent, secured enclosure or in areas that are set back a distance of not less than 50 feet from any public building entry, parking lot, pedestrian facility or similar publicly used area.

b. Outdoor storage shall not occur within 25 feet of any public right-of-way.

c. Outdoor storage shall be screened from view from any abutting property.

d. Moveable storage containers including semi-trailers and containerized freight boxes, for the purpose of storage of inventory on a temporary basis, shall meet the following requirements in addition to the other provisions of this Section:

i. Containers shall be allowed on the site only in accordance with a permit issued by the building permit issuing authority. A copy of the permit shall be kept on the site and shall be available for inspection.

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- ii. The use of containers on the site shall be allowed for no more than two months in any 12- month period.
- e. Outdoor storage of new or used tires shall meet the following standards:
 - i. Tires shall be stored in compliance with applicable public health regulations.
 - ii. Outdoor tire storage shall not occupy an area greater than 300 square feet, unless a Conditional Use Permit (4.2.44) has been granted pursuant to Section 4.2.47 of this Land Development Code.
 - iii. Tires stored outside shall be neatly stacked; no stack shall be higher than 8 feet.
- f. All items stored outside shall be placed on a "hard and durable" surface as defined by Metro Public Works Standards.

D. The following uses are exempt from the requirements set forth in (C) of this Section as follows:

1. Areas designated for the outdoor sale, display or storage of plant material including live plants, fruits and vegetables and seasonal holiday related plant materials such as Christmas trees and pumpkins. This exemption does not include rock, mulch, pavers, landscape timbers and similar building materials.
2. Sale, display or storage areas for either automobile, boat and similar passenger or recreational vehicles or truck/trailer rentals which have met applicable vehicular use area screening and buffering requirements as set forth in Chapter 10 of the Land Development Code.
3. Retail operations that occur under a permanent canopy structure.

E. The following standards shall apply to all outdoor sales, display and storage.

1. Any area proposed to be used for outdoor sales, display or storage in accordance with this Section shall be accurately delineated on the applicable development plan.
2. No outdoor sales, display or storage shall be allowed in areas set aside, required, or designated for driving aisles, driveways, maneuvering areas, emergency access ways or vehicular parking necessary to meet the minimum number of off-street parking spaces as specified in this section and in Chapter 9 of the Land Development Code.
3. Outdoor sales, display or storage items, including newspaper boxes, may be located on sidewalks in the public right-of-way only if permitted by the Director of Works. Such items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a four-foot minimum width is maintained. Materials located at the edge of a pedestrian way adjacent to a driving aisle shall not extend along that edge a distance for more than ten feet without providing a break of not less than three feet in width to allow for access on to the pedestrian way.

NOTE: The 4-foot unobstructed path complies with current ADA standards

4. Items for outdoor sale, display or storage shall be screened from view from any abutting residentially zoned or used property. A property shall not be considered residentially used if the first floor is occupied by a nonresidential use or uses.

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5. No outdoor sales, storage or display areas shall be located in the sight distance triangle as defined in Chapter 5 Part 1 of the Land Development Code or located in any manner that would restrict or limit adequate sight distances for interior vehicular traffic movement as determined by the Works Department.
6. One additional parking space shall be required for each 500 square feet of outdoor sales and display area unless more specific parking requirements are provided in Chapter 9 Part 1 of the Land Development Code.
7. Any product located outdoors in a manner constituting a sign as defined in Chapter 1 of the Land Development Code must conform to the requirements set forth in Chapter 8.
8. No outdoor sales, display or storage shall be allowed within 30 feet of the right-of-way of any designated Parkway, Olmsted Parkway or Scenic Corridor or within any required parkway or scenic corridor buffer area.
9. Uses conducting outdoor sales, display, or storage in a manner not permitted by this Section may be cited in accordance with Chapter 11 (Enforcement) of the Land Development Code. If a use is cited for non-compliance and said use desires to continue outdoor sales, display or storage activities in compliance with the requirements of this Section, then a site plan showing areas in which outdoor sales, display or storage will be conducted on the site in accordance with this Section shall be required. The site plan shall be drawn to scale and shall indicate portions of the lot beyond which outdoor sales, display and storage shall not be conducted, and shall indicate the locations of permanent structures and other features to allow ready determination of adherence to the site plan. After the plan has received approval by the Planning Commission staff, the site plan shall be maintained at the business location and shall be available for review at time of inspection.
10. When the requirements of this Section differ from other provisions of the Land Development Code, the more stringent standard(s) shall apply.

5.5.4 Form District Specific Compatibility Standards

B. Suburban Workplace Form District Compatibility Standards

1. Industrial uses, including structures, loading and heavy truck parking areas, and outdoor storage located within 200 feet of and having a common lot line with residentially used or zoned parcels shall include a 50 foot landscape buffer area with a 6 foot screen (e.g. fence, hedge, berm, wall, etc.) and canopy trees as required by Chapter 10, Part 2.

Chapter 9 Part 1 Motor Vehicle Parking Standards

9.1.15 Parking in Residential Areas Zoning Districts

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The following regulations shall apply to accessory outdoor parking ~~for all~~ in a residential zoning districts ~~located in allowed parking area and~~ in the Neighborhood, Traditional Neighborhood, or and Village Form Districts.

A. Parking of Passenger Vehicles and Light Trucks. Passenger vehicles and light trucks may be parked in any allowed parking area to the extent that the number of vehicles being parked does not exceed the maximum permitted in Table 9.1.3B.

B. Parking of Medium and Heavy Trucks.

1. The parking of medium trucks shall count against the maximum number of vehicles allowed in Table 9.1.3B and shall be permitted as follows:

No more than one medium truck per dwelling unit may be parked outdoors on a lot that is less than 20,000 square feet in size.

No more than two medium trucks per dwelling unit may be parked outdoors on a lot that is greater than or equal to 20,000 square feet in size.

2. The parking of heavy trucks and equipment is prohibited.

C. Buses, Utility Trailers, and Recreational Vehicles. Buses, utility trailers, recreational vehicles, and trailers used to haul recreational vehicles may be parked in required parking spaces as specified in B above but shall not be parked between the street and façade of the principal structure on the lot. These vehicles shall count toward the maximum number of vehicles permitted on a lot. For purposes of this regulation a recreational vehicle on a trailer shall be considered as one vehicle.

Exception: Those located within multi-family developments that consist of six (6) or more apartment units shall be parked in areas set aside for such parking and shall be screened using a continuous vegetative hedge at least three (3) feet in height.

10.2.17 Form District Specific Landscape Requirements

The following form district specific landscape requirements apply regardless of the applicability of general chapter 10 requirements.

B. Per Chapter 5 Part 5 regardless of the applicability of Chapter 10 requirements the following shall apply. When a property is located in the Suburban Workplace Form District. Industrial uses, including structures, loading and heavy truck parking areas, and outdoor storage located within 200 feet of and having a common lot line with residentially used or zoned parcels shall include a 50-foot landscape buffer area with a 6-foot screen (e.g. fence, hedge, berm, wall, etc.) and canopy trees as required by planting density 1.

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

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RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** an amendment to the Land Development Code (LDC) concerning regulations related to truck parking with the following addition: Trucks that are required by the United States Department of Transportation Regulations to display a hazardous material placard shall not be parked within 200 feet of a building used for the purposes listed below, except when intended for loading and unloading purposes. Those uses are as follows:

Daycare Centers

Day Nurseries

Nursery Schools and Kindergartens

Dwellings - Multiple Family, Single Family, Two-Family

Religious Buildings with more than 50 occupants

Residential Care Facilities

Restaurants and Delicatessens, excluding drive-thru facilities

Entertainment Activity (indoor alcohol sales and consumption only with proper ABC license)

(Boarding Lodging Houses, Hospitals, Nursing Homes, Convents and Monasteries, Hotels and Motels, Bingo Halls and Parlors, Billiard Parlors, Dance Halls, Restaurants with more than 50 occupants, Taverns, Bars and Saloons, Schools (Elementary and Secondary) and Sports Arenas)

The vote was as follows:

YES: Commissioners Carlson, Clare, Howard, Peterson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Brown, Daniels, Mims, Seitz and Sistrunk

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PUBLIC HEARING

CASE NO. 21-LDC-0011

Request: Parking LDC Amendments Round 2
Location: Louisville Metro
Applicant: Louisville Metro
Jurisdiction: Louisville Metro
Council District: All Council Districts
Case Manager: Chris French, AICP, Planning Supervisor

Notice was published in accordance with KRS 100. In addition, email notice through the GovDelivery system was provided plus notifications through public and group meetings held by or attended by the staff of Planning and Design Services.

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:

05:12:05 Chris French discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

Deliberation

Planning Commission deliberation.

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

An amendment to Chapter 9 of the Land Development Code (LDC) to create provisions to create exceptions to maximum parking requirements, adjust parking requirements for specific uses, revise parking waiver provisions related to maximum parking requirements, and revise the bicycle parking requirements

On a motion by Commissioner Howard, seconded by Commissioner Clare, the following resolution based on the Plan 2040 Staff Analysis and presentation was adopted.

PLANNING COMMISSION RESOLUTION 21-LDC-0011 A RESOLUTION BY THE PLANNING COMMISSION RECOMMENDING APPROVAL OF LAND DEVELOPMENT CODE TEXT AMENDMENTS TO CHAPTER 9 RELATED TO PARKING REQUIREMENTS TO THE LOUISVILLE METRO COUNCIL AND OTHER JURISDICTIONS WITH ZONING AUTHORITY.

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WHEREAS, the Louisville Metro Council adopted the first round of parking revisions in Ordinance 114, Series 2020 on September 17, 2020; and

WHEREAS, the Louisville Metro Planning Commission adopted a resolution on directing Planning and Design Services staff to incorporate changes not adopted in the round one parking amendments and to certain uses to determine whether revisions are needed to those parking requirements and bring back an amendment to the Land Development Code; and

WHEREAS, the Planning Committee reviewed the proposed amendments at its meeting on March 28, 2021 and voted unanimously to forward these amendments to the Planning Commission for a public hearing; and

WHEREAS, Plan 2040, Mobility Goal 1, Policy 3 encourages new development and redevelopment to supply adequate bicycle parking; and

WHEREAS, Plan 2040, Mobility Goal 1, Policy 5.5 recommends that at certain nodes of development that secure, convenient, and user-friendly bicycle parking facilities be provided; and

WHEREAS, Plan 2040, Mobility Goal 3, Policy 14 recommends that parking requirements include minimum and maximum requirements and that these requirements should take into account location, multi-modal transportation availability, development pattern, advances in technology, and characteristics of the use; and

WHEREAS, the Planning Commission finds that the proposed text amendments to the LDC meet the goals, objectives, and policies of the comprehensive plan, Plan 2040.

Additions
Deletions

SECTION I: Chapter 9, Part 1 of the LDC, is amended as follows:

9.1.3 Calculating Parking Requirements / Allowances

Table 9.1.3A Minimum and Maximum Parking Spaces Based on Form District/Planned Development District *Note: All reductions are cumulative unless otherwise specified and, when utilized, all percentages shall be calculated using the minimum number of parking spaces required by Table 9.1.3B*

Form District/Planned Development District	Minimum Requirement – Table 9.1.3B	Maximum Requirement – Table 9.1.3B	Applicable Reductions
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Campus Conservation Neighborhood Village Town Center Planned Village Development District Regional Center Suburban Marketplace Corridor Suburban Workplace Traditional Neighborhood Traditional Marketplace Corridor Traditional Workplace	Applicable	Applicable	1, 2, 3, 4, 5, 6, 7, 8 and 9
Downtown Urban Center Neighborhood	Not Applicable	Not Applicable	Not Applicable
Planned Transit Development District	80% Applicable	Applicable	2, 6, 7, 8 and 9

GE. ~~Off-street Parking Reductions (see Table 9.1.3A for applicable reductions by form district/planned development district)~~

...

G. Off-street Parking Maximum Exceptions and Increases

-
1. Off-street parking spaces used as electric vehicle charging stations shall not count toward the maximum number of parking spaces on a lot/parcel of land.
-
2. Off-street parking spaces designated for curbside pickup or associated drive through waiting spaces shall not count toward the maximum number of parking spaces.
 3. Off-street parking spaces located within structured parking facilities or elevated parking systems shall not count toward the maximum number of parking spaces.
 4. Off-street parking spaces designated for Handicap accessible parking shall not count toward the maximum number of parking spaces.
 5. Off-street parking spaces designated for carpool or vanpool use shall not count toward the maximum number of parking spaces.
 6. Off-street parking spaces designated for vacuum stations associated with a car wash shall not count toward the maximum number of parking spaces.

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7. Off-street parking spaces designated for passenger drop-off and pick-up shall not count toward the maximum number of parking spaces.

Table 9.1.3B Minimum and Maximum Motor Vehicle Parking Based on Use

GENERAL ACTIVITIES ('LBCS Code)	SPECIFIC ACTIVITIES ('LBCS Code)	MINIMUM REQUIREMENT	MAXIMUM REQUIREMENT
	Shopping (goods or service-oriented) (2100)	Suburban Form 1 space per 500 sq. ft. of gross floor area Traditional form 1 space per 1,000 sq. ft. of gross floor area	Suburban Form 1 space per 250 <u>200</u> sq. ft. of gross floor area Traditional Form 1 space per 500 sq. ft. of gross floor area
	Restaurant (includes bars) (2200)	Suburban Form: 1 space per 500 sq. ft. of gross floor area Traditional Form: 1 space per 1,000 sq. ft. of gross floor area	Suburban Form: 1 space per 250 <u>100</u> sq. ft. of gross floor area Traditional Form: 1 space per 500 sq. ft. of gross floor area
...
	Quick Vehicle Repair, Vehicle Repair	1 per bay	25 per bay
...
Office (2300)	Office, including general, business, medical, dental, professional, financial, and veterinary	Suburban Form: 1 space per 400 sq. ft. of gross floor area Traditional Form: 1 space per 750 sq. ft. of gross floor area	Suburban Form: 1 space per 200 <u>150</u> sq. ft. of gross floor area Traditional Form: 1 space per 300 sq. ft. of gross floor area

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...
	Primarily plant or factory (3110)	1 space per 24,000 sq. ft. of gross floor area	1 space per 4,000 500 sq. ft. of gross floor area
	Primarily goods storage or handling	Suburban Form 1 space per 210,000 sq. ft. of gross floor area Traditional Form	Suburban Form 1 space per 500 sq. ft. of gross floor area Traditional Form
		1 space per 3,000 sq. ft. of gross floor area	1 space per 1,000 sq. ft. of gross floor area

9.1.16 Parking Waiver Provisions

A. General Parking Waivers. In extraordinary cases in which the requirements of this Part would create hardship in the use of a particular site, the Planning Commission may consider granting a General Parking Waiver.

3. Process.

The following revisions amend Land Development Code Section 9.1.16 as follows:

- a. The Planning Director (or designee), Development Review Committee, the Planning Commission and Metro Council shall review a General Parking Waiver request as follows:
 - i. Parking waiver reduction of 10% or less or five (5) spaces or less (no matter the percentage) shall be reviewed by the Planning Director or designee. Notice shall be sent in accordance with paragraph b below. Based on public comments the Director or designed may choose to bring the proposed parking waiver to the Development Review Committee for further review, notice of this meeting shall be in accordance with paragraph b below as well.

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An appeal of the Director or designee decision may be made to the Development Review Committee within 30 calendar days of the decision and must be based on a defect in the parking waiver review process.

iv. Waivers to provide up to 30% more parking or 10 parking spaces more (no matter the percentage) than the maximum allowed shall be reviewed by the Planning Director or designee, an appropriate committee of the Planning Commission. Notice of the parking waiver review by the committee shall be sent in accordance with paragraph b below. Based on public comments the director or designee may choose to bring the proposed parking waiver to the Development Review Committee for further review, notice of this meeting shall be in accordance with paragraph b below as well. An appeal of the Director or designee decision may be made to the Development Review Committee within 30 calendar days of the decision and must be based on a defect in the parking waiver review process.

v. Waivers to provide greater than 30% more parking than the maximum allowed shall be reviewed by an appropriate committee of the Planning Commission. Notice of the parking waiver review by the committee shall be in accordance with paragraph b below.

SECTION II: Chapter 9, Part 2 of the LDC, is amended to repeal and replace Table 9.2.5 Bicycle Parking Requirements by Land Use as follows:

Table 9.2.5: Bicycle Parking Requirements by Land Use

<u>GENERAL ACTIVITIES (LDCS Code)</u>	<u>SPECIFIC ACTIVITIES</u>	<u>REQUIRED PARKING</u>
<u>Residential (1000)</u>		
<u>Transient Living (1200)</u>	<u>Bed and Breakfast, Hotel, Motel</u>	<u>3 spaces</u>
<u>Shopping, business, or trade (2000)</u>		<u>3 spaces or 10% of required parking, whichever is greater</u>
<u>Industrial, manufacturing, and waste-related (3000)</u>		<u>3 spaces or 10% of required parking, whichever is greater</u>
<u>Social, institutional, or infrastructure-related (4000)</u>		<u>To be determined by Director or designee</u>
<u>Mass assembly of people (6000)</u>		<u>3 spaces or 10% of required parking, whichever is greater</u>

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<u>Travel or movement (5000)</u>		<u>To be determined by Planning Director or designee</u>
<u>Natural resources-related (8000)</u>		<u>To be determined by Planning Director or designee</u>
<u>*LBCS – Land-Based Classification Standards developed by the American Planning Association – www.planning.org/lbcs/standards</u> <u>Note: Where the expected need for bicycle parking for a particular use is uncertain due to unknown or unusual operating characteristics of the use, the Planning Director or designee may defer up to 50 percent of the bicycle parking spaces required.</u>		

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the Parking Land Development Code Amendments Round 2, 21-LDC-0011 with modifications and text amendments to Metro Council and other cities with zoning authority.

The vote was as follows:

YES: Commissioners Carlson, Clare, Howard, Peterson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Brown, Daniels, Mims, Seitz and Sistrunk

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APPROVAL OF MINUTES
CASE NO. 20-ZONE-0120 ONLY

SEPTEMBER 16, 2021 PLANNING COMMISSION CASE NO. 20-ZONE-0120 ONLY

Commissioner Howard stated she did not second the vote for the Detailed District Development Plan on this case, it was Commissioner Seitz. Brian Davis said he will make that correction.

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

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on September 16, 2021.

The vote was as follows:

YES: Commissioners Carlson, Clare, Howard, Peterson and Lewis

NOT PRESENT FOR THIS CASE: Commissioner Brown, Daniels, Mims, Seitz and Sistrunk

**PLANNING COMMISSION MINUTES
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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee
No report given.

Site Inspection Committee
No report given.

Planning Committee
No report given.

Development Review Committee
No report given.

Policy and Procedures Committee
No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 6:30 p.m.

DocuSigned by:

Marilyn Lewis
Chair

DocuSigned by:

Jyn
Planning Director