

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
August 4, 2016**

A meeting of the Louisville Metro Planning Commission was held on August 4, 2016 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Commission members present:**

Donnie Blake, Chair

Vince Jarboe, Vice Chair

Jeff Brown

Marilyn Lewis

Rob Peterson

\*David Tomes – Arrived approximately 1:15 p.m.

\*Clifford Turner – Left approximately 2:30 p.m.

Lula Howard

**Commission members absent:**

Robert Kirchdorfer

Emma Smith

**Staff Members present:**

Emily Liu, Director, Planning and Design Services

Joseph Reverman, Assistant Director, Planning and Design Services

Brian Mabry, Planning Supervisor

Joe Haberman, Planning Manager

Julia Williams, Planning Supervisor

Joel Dock, Planner I

Will Ford, Communications Specialist

Latondra Yates, Property and Leasing Supervisor

Keith Talley, APCD

Tony Kelly, MSD

Tammy Markert, Transportation Planning Coordinator

Mike Wilcher, Planning Enforcement

John G. Carroll, Legal Counsel

Pamela M. Brashear, Management Assistant

**Others Present:**

Jack Ruf

The following matters were considered:

**NOTE: The agenda sequence was not followed and cases were taken out of order.**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**APPROVAL OF MINUTES**

**53:20**

**JULY 21, 2016 PLANNING COMMISSION REGULAR MEETING MINUTES**

On a motion by Commissioner Jarboe, seconded by Commissioner Turner, the following resolution was adopted.

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on July 21, 2016.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Jarboe, Lewis, Peterson, Tomes and Turner**  
**NOT PRESENT FOR THIS CASE: Commissioners Kirchdorfer and Smith**  
**ABSTAINING: Commissioner Howard**

**AUGUST 1, 2016 PLANNING COMMISSION REGULAR MEETING MINUTES**

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

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on August 1, 2016 (Night Hearing).

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Peterson, Tomes and Turner**  
**NOT PRESENT FOR THIS CASE: Commissioners Kirchdorfer and Smith**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**BUSINESS SESSION**

**CASE NO. 16AMEND1007**

**56:05**

**Request:** Amend the Land Development Code Related to Anaerobic Bio-digesters  
**Project Name:** Anaerobic Bio-digesters Text Amendment  
**Applicant:** Louisville Metro Government  
**Representative:** Louisville Metro Government  
**Jurisdiction:** Louisville Metro  
**Case Manager:** **Brian Mabry, AICP, Planning and Design Supervisor**

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

**Discussion**

00:57:37 Mr. Mabry explained the one correction – under paragraph I, change ongoing plan to operating plan – also on the third line. Commissioner Jarboe suggests striking out ‘ongoing’ altogether.

**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 Peterson, seconded by Commissioner Howard, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council, **APPROVAL** of Case No. 16AMEND1007, the draft amendment of the Land Development Code related to anaerobic bio-digesters as presented with the change to item I, striking ‘ongoing’ to read as follows: This plan shall be a form established by the Planning and Design Services.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Peterson, Tomes and Turner**

**NOT PRESENT FOR THIS CASE: Commissioners Kirchdorfer and Smith**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**BUSINESS SESSION**

**CASE NO. 15ZONE1070**

**01:01:53**

Request: Set a Planning Commission Night Hearing date  
Project Name: Cityscape Simcoe Lane  
Location: 4113, 4190, 4200 and 4206 Simcoe Lane  
Owner: Bette Kaelin, Fred and Linda Caldwell and Raymond Borchert  
Applicant: Cityscape Residential, LLC  
Representative: Land Design and Development, Bardenwerper, Talbott and Roberts, PLLC  
Jurisdiction: Louisville  
Council District: 17 – Glen Stuckel  
Case Manager: **Julia Williams, RLA, AICP, Planning Supervisor**

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

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

**Discussion**

01:02:18 Ms. Williams stated the possible hearing dates as follows: September 7<sup>th</sup>, September 12<sup>th</sup> or September 14<sup>th</sup>.

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

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby set the special Planning Commission night hearing, Case No. 15ZONE1070, for September 12, 2016 at the East Government Center, 6:00 p.m.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Tomes and Turner**  
**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer and Smith**



**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**BUSINESS SESSION**

**CASE NO. 15ZONE1070**

**ABSTAINING: Commissioner Peterson**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**BUSINESS SESSION**

**CASE NO. 16ZONE1020**

**01:05:50**

Request:	Set a Planning Commission Night Hearing date
Project Name:	Taylorville Road Apartments
Location:	11404, 11312, and 11314 Taylorville Road
Owner:	BBB Investments LLC; Mannoxx LLC
Applicant:	Teri Delsignore
Representative:	Mindel Scott and Assoc.; Bardenwerper, Talbott and Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	20-Stuart Benson
Case Manager:	<b>Julia Williams, RLA, AICP, Planning Supervisor</b>

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

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

**Discussion**

01:06:12 Ms. Williams said she received a petition for a night hearing for this case and the possible hearing dates are August 22<sup>nd</sup> and August 24<sup>th</sup>. The night hearing location will be the East Government Center at 6:00 p.m.

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

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby set the special Planning Commission night hearing, Case No. 16ZONE1020, for August 22, 2016 at the East Government Center, 6:00 p.m.

**The vote was as follows:**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**BUSINESS SESSION**

**CASE NO. 16ZONE1020**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Peterson, Tomes  
and Turner**

**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer and Smith**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**BUSINESS SESSION**

**CASE NO. 16DEVPLAN1122**

**01:08:28**

**Appointing of a hearing officer for the 8/17 DDRO meeting**

**Discussion**

01:08:36 Mr. Reverman explained that the commissioners need to appoint a hearing officer to attend the August 17, 2016 DDRO and report back to the Planning Commission at the August 18, 2016 public hearing.

**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 Peterson, seconded by Commissioner Turner, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPOINT** Commissioner Howard as the hearing officer for the August 17, 2016 DDRO meeting to be held at the Old Jail Building, 8:30 a.m.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Jarboe, Lewis, Peterson, Tomes and Turner**  
**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer and Smith**  
**ABSTAIN: Commissioner Howard**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**CONSENT AGENDA**

**CASE NO. 15STREETS1017**

**00:05:24**

Request:	Street Closure
Project Name:	African American Heritage Center
Location:	East/West alley between 17 <sup>th</sup> and 18 <sup>th</sup> Streets
Owner:	Louisville Metro
Applicant:	Louisville Metro
Representative:	Jefferson County Attorney's Office – Edward Carle
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
<b>Case Manager:</b>	<b>Joel Dock, Planner I</b>

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

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

**Discussion**

00:05:54 Mr. Dock said the plan is in order. The alleys are being cleaned up on the site as it is being developed for the African Heritage Foundation parking lot.

**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 Jarboe, seconded by Commissioner Peterson, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Consent Agenda for the August 4, 2016 Planning Commission.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Peterson and Turner**  
**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Smith and Tomes**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 14STREETS1014-1019**

**00:06:49**

**Request:** Street Closure – 14STREETS1014-1019  
**Project Name:** Wilson Quiet Zone  
**Location:** Wilson/Woodland Avenue Rail Corridor  
**Owner:** Louisville Metro  
**Applicant:** Department of Public Works and Assets  
Jeff Brown  
444 South 5<sup>th</sup> Street  
Louisville, Ky. 40202

**Representative:** Department of Public Works and Assets  
Jeff Brown  
444 South 5<sup>th</sup> Street  
Louisville, Ky. 40202

**Jurisdiction:** Louisville Metro  
**Council District:** 1 – Jessica Green  
3 – Mary Woolridge  
**Case Manager:** Joel P. Dock, Planner I

**NOTE: Commissioner Brown recused himself for 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:**

00:07:51 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

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

Jeff Brown, Assistant Director of Metro Public Works, 444 South 5<sup>th</sup> Street, Louisville, Ky. 40202  
Charles Whitfield, 2503 Standard Avenue, Louisville, Ky. 40210



**PLANNING COMMISSION MINUTES**

**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 14STREETS1014-1019**

David Wooten, 1368 Hemlock Street, Louisville, Ky. 40211

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

00:15:22 Mr. Brown gave a power point presentation. "This project began probably in early 2000 and the Kentucky Transportation Cabinet identified this as a safety improvement corridor. None of the crossings are currently gated, which is a big safety impact for the area. Also, because they're not gated, this area does not qualify for a quiet zone, so the Transportation Cabinet and Norfolk Southern Railway agreed to provide \$2 million to provide gates at half of these crossings if Metro government agreed to provide safety improvements and close the remaining crossings. The combination of the gates and closures will help bring us into compliance with the quiet zone requirements and we can make an application after everything's installed to designate this as a quiet zone. That way there will be no train horns from Dixie Hwy. all the way north way past this area. Metro government's stake in this was to try and improve the quality of life for these neighbors."

00:34:00 Mr. Whitfield stated that the businessmen don't live there and don't have to deal with the noise. There are a lot of elderly people in the neighborhood and they deserve to have a quiet and safe environment.

00:35:38 Mr. Wooten doesn't live in the area (has business) but says the residents do deserve a quiet zone. The area is high crime area. If the commission is going to close some roads, then close them all.

**The following spoke neither for nor against the request:**

Charles A. Henderson, 364 North 41<sup>st</sup> Street, Louisville, Ky. 40212  
James W. Elliott, P.O. Box 3015, Louisville, Ky. 40201

**Summary of testimony of those neither for nor against:**

00:20:54 Mr. Henderson owns the property on Wilson and Olive and it runs parallel to the railroad tracks.

Mr. Henderson is concerned that he won't be able to access his property. Mr. Brown said he will work with him.

00:24:45 Mr. Elliott is happy for the safety and quietness for the residents. He also stated he's concerned that his customers won't be able to access his business and is afraid the closures may shut him down.

**PLANNING COMMISSION MINUTES**

**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 14STREETS1014-1019**

**Deliberation**

00:48:15 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 Jarboe, seconded by Commissioner Turner, the following resolution was adopted.

**WHEREAS**, The closure of these street segments results in no demand on public facilities and services currently or in the future as all utility agencies have consented to the closure. These closures will allow trains along the corridor to move through the neighborhood quietly as pedestrian and vehicular traffic will be permanently closed. Improvements will be made by Louisville Metro Public Works to enhance safety at crossings to remain open; and

**WHEREAS**, Any utility access necessary within the right-of-way to be closed will be maintained by agreement with the utilities and easements required by these agencies will be provided, if necessary; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the applicant will bear the cost of all improvements; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the closure complies with the Goals, Objectives and Plan Elements of the Comprehensive Plan found in Guideline 7 (Circulation) and Guideline 8 (Transportation Facility Design). Any physical improvements necessary for the closure will be completed by the applicant.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council, **APPROVAL** of 14STREETS1014-1019, street closure plan based on the testimony heard today and the staff report.

**The vote was as follows:**

**YES: Commissioners Blake, Howard, Jarboe, Lewis, Peterson and Turner**  
**NOT PRESENT AND NOT VOTING: Commissioners Brown, Kirchdörfer and Smith**  
**ABSTAINING: Commissioner Tomes**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16DEVPLAN1145**

**01:15:37**

**Request:** Revised Detailed District Development Plan (RDDDP) for proposed 72 unit assisted living facility  
**Project Name:** Grove Pointe Assisted Living  
**Location:** 240 Masonic Home Drive

**Owner:** Masonic Homes of KY, Inc.  
Gary Marsh  
3761 Johnson Hall Drive  
Masonic Home, Ky. 40041

**Applicant:** Masonic Homes of KY, Inc.  
Gary Marsh  
3761 Johnson Hall Drive  
Masonic Home, Ky. 40041

**Representative:** Dinsmore and Shohl LLP  
Clifford Ashburner  
101 South 5<sup>th</sup> Street, Suite 2500  
Louisville, Ky. 40207

**Jurisdiction:** Louisville Metro  
**Council District:** 9 – Bill Hollander  
**Case Manager:** Joel Dock, Planner I

**NOTE: Commissioner Turner left and did not vote on this case.**

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

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

**Agency Testimony:**

01:15:53 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

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

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16DEVPLAN1145**

Clifford H. Ashburner, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40207  
Ashley Bartley, 1046 East Chestnut Street, Louisville, Ky. 40204

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

01:21:15 Mr. Ashburner stated the plan was approved but was challenged and went to circuit court. There are some revisions so it's before the Planning Commission today to address those changes. The parking is being reduced by 39 spaces and some trees will be saved. There's a large amount of buffering and the berm will be straightened out. The intensity has been reduced but the amount of units will remain at 72.

01:31:02 Ms. Bartley explained the drainage (no change) – swale and a catch basin.

**Deliberation**

01:31:54 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.**

**Development Plan and Binding Elements**

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

**WHEREAS**, The proposed development is in a location of existing development and does not appear to have any substantial negative impact on the existing natural resources. The development provides all required LBA's and permits appear to have been properly issued for the demolition. Parking has been reconfigured from an approval granted by the Planning Commission on February 18, 2016 under case 15DEVPLAN1186 to preserve additional trees; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within the development is provided through an existing network of drives, walks, and parking lots. Through the entrance on Frankfort Avenue a sidewalk along the avenue provides pedestrian and vehicular access to the site and the nearby residential community and many commercial destinations. No new access or changes to existing access to abutting streets is being requested. Bike parking has been incorporated into the proposal to enhance mobility; and

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16DEVPLAN1145**

**WHEREAS**, The open space to be provided on site exceeds the minimum requirements of the Land Development Code; and

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

**WHEREAS**, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. All required setbacks and LBA's are being provided. The proposed land use is also compatible with the demographic trends of Louisville-Jefferson County and provides a necessary service to our community's aging population; especially, to those aging individuals wishing to remain in more urbanized areas of the County with many neighborhood serving uses within walking distance; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as Guideline 3, Policy 1, 3, 10, 11, 12, 13, & 14 encourage the compatibility of all new development within the context of the character of the surrounding neighborhood and to provide transition where necessary using landscaping, open spaces, and building design; the incorporation of a variety of housing options with varying densities that are appropriate and inclusive for all potential tenants; accessibility to individuals with disabilities; and the location of housing for the elderly and those with disabilities to be close to activities, services, and public transportation. The design and building material of the proposed development is compatible with the surrounding neighborhoods and Masonic Homes campus while also providing a housing option to the elderly or disabled that is not only accessible to the residents but their guests too. The development is within range of a wide variety of services and activities along a major transportation corridor.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 16DEVPLAN1145, the Revised Detailed District Development Plan for the Grove Pointe Assisted Living based on the staff report and testimony heard today and **SUBJECT** to the following Binding Elements:

**Existing Binding Elements**

1. The maximum density permitted for the Masonic Homes campus, being that as described in deed book 9046 page 151, and being in the R-5A



**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16DEVPLAN1145**

zoning district, shall be 12.01 dwelling units per acre (946 units on 78.82 acres) as permitted in R-5A zoning district.

2. Prior to any building permits being issued for the development of lots 2 through 7 detailed district development plans will be submitted to the Planning Commission for approval. These development plans will be subject to all agency approvals and additional binding elements.
3. There shall be no access to this site from Napanee, Ormond, and Leland Roads and Elmwood Avenue. In the event of an emergency Washington Square will provide access to the site. Washington Square will not be used for access except in emergency and safety situations and during the annual Masonic Picnic.
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 Louisville Metro Department of Inspections, Permits and Licenses Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.
  - b. The size and location of any proposed development identification signs must be approved by the Planning Commission.
  - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - d. The appropriate variances and modification to conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
5. Retention basins are shown for general location purposes only. The configuration and size of each basin will be determined prior to approval of the detailed district development plan for the area for which they are shown.
6. Storm water retention shall be provided to maintain runoff at present rates.
7. Construction of retention facilities are waived for any new structures on Lot 1.



**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16DEVPLAN1145**

8. Off-site drainage improvements in lieu of retention basins may be required for development in Lot 7.
9. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of a structure or land for the proposed use.
10. These binding elements may be amended as provided for in the Zoning District Regulations.
11. A stub connection shall be provided along the western property line of this site as shown in case 14169 unless other access is provided elsewhere on the western campus boundary. Access through the campus shall utilize existing and currently planned road infrastructure to service emergency access.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Peterson and Tomes**  
**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Smith and Turner**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 15ZONE1065**

**01:33:45**

**Request:** Change in Zoning from R-4 to C-1 on 2.5 acres and Detailed District Development Plan for a 14,780 square foot Neighborhood Market

**Project Name:** Crossroads IGA  
**Location:** 8001 Smyrna Parkway  
**Owner:** Highview Fire Protection District  
**Applicant:** Houchens Industries, Inc.

**Representative:** Bardenwerper, Talbott and Roberts PLLC  
Bill Bardenwerper  
1000 North Hurstbourne Parkway  
Louisville, Ky. 40223

Arnold Consulting Engineering Services, Inc.  
Brian Shirley  
1136 South Park Drive  
Bowling Green, Ky. 42103

**Jurisdiction:** Louisville Metro  
**Council District:** 23 – James Peden  
**Case Manager:** Brian Davis, AICP, Planning Manager  
**Presented by:** Julia Williams, RLA, AICP, Planning Supervisor

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

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

**Agency Testimony:**

01:35:34 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

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

Bill Bardenwerper, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 15ZONE1065**

Diane Zimmerman, 9420 Bunsen Parkway, #225, Louisville, Ky. 40220  
Brian Shirley, 1136 South Park Drive, Bowling Green, Ky. 42103

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

01:42:49 Mr. Bardenwerper said there is no waiver request; however traffic is a major concern. The traffic analysis shows a signal light is needed at Applegate.

Mr. Bardenwerper read his proposed binding element into the record.

1:51:27 Ms. Zimmerman explained the traffic study. If the applicant builds the development and doesn't put in a traffic light, the delay on Applegate would be 213 seconds.

01:53:27 Mr. Shirley explained how the drainage will flow on site. There will be no impact on adjacent properties. Also, there will be a drive-through window.

**Deliberation**

01:57:00 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-1**

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

**WHEREAS**, The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas; and

**WHEREAS**, The Neighborhood Form will contain diverse housing types in order to provide housing choices for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs,

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 15ZONE1065**

neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing; and

**WHEREAS**, The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit; and

**WHEREAS**, the Louisville Metro Planning Commission finds, neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposal to rezone the subject site from R-4 to C-1 would create a higher intensity commercially zoned site in an area of low intensity residential zoning along this portion of the Smyrna Parkway corridor. The Neighborhood form district encourages predominantly residential uses with a variety of density and contemplates office, commercial and civic uses that complement the surrounding residential. The site is an existing residentially zoned property (though not residentially used) that would be expanding a higher intensity non-residential zoning district into the larger residential portion of this corridor.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of Case No. 15ZONE1065, a change in zoning from R-4 to C-1 based on the staff report, the applicant's finding of facts and the testimony heard today.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Peterson and Tomes**  
**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Smith and Turner**

**Development Plan and Binding Elements**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 15ZONE1065**

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

**WHEREAS**, There are no existing natural resources, scenic views or historic items on the site. The applicant is proposing to plant new trees on the site that will provide a 35% tree canopy percentage, which is greater than the 20% required by the Land Development Code; and

**WHEREAS**, The applicant proposes to install a traffic signal at the northern intersection of Smyrna Parkway and Applegate Lane to help with traffic movement in the area. There is also a proposal to provide sidewalks along Smyrna Parkway and the applicant has agreed to a binding element to provide a pedestrian connection to the R-5A zoned property to the east if/when it develops; and

**WHEREAS**, There are no open space requirements with the current proposal; and

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

**WHEREAS**, the Louisville Metro Planning Commission finds, The overall site design and land uses are compatible with the existing and future development of the area; and

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 15ZONE1065, the Detailed District Development Plan and associated binding elements based on the staff report, applicant's justification and the testimony heard today, **SUBJECT** to the following Binding Elements:

**Binding Elements**

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



**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 15ZONE1065**

for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The development shall not exceed 14,790 square feet of gross floor area.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3 feet 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening, buffering and landscaping as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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,



**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 15ZONE1065**

contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 4, 2016 Planning Commission public hearing.
9. Applicant agrees to coordinate a pedestrian connection to the residential development to the east at such time the property is developed.
10. Applicant agrees to provide a connection to the firehouse property to the south upon redevelopment into a non-residential use.
11. Funding for the design and installation of a traffic signal and right turn lane (eastbound) shall be provided by the Owner/Developer at the Applegate Lane and Smyrna Parkway intersection. Traffic Signal installation shall be performed by Louisville Metro. Construction plans for the traffic signal and right turn lane, a bond and encroachment permit from Transportation Planning will be required prior to construction approval for the site. The traffic signal installation and right turn lane construction shall be completed before the issuance of the certificate of occupancy. Additional intersection improvements may be required after construction plan review by Transportation Planning, Traffic Engineering and Metro Public Works.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Peterson and Tomes**  
**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Smith and Turner**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16ZONE1029**

**02:03:51**

Request: Change in zoning from R-4 to OR with waivers  
Project Name: 5206 Saint Gabriel Lane  
Location: 5206 Saint Gabriel Lane

Owner: RLM Properties Inc.  
Richard Morris  
705 Danes Hall Drive  
Louisville, Ky. 40206

Applicant: RLM Properties Inc.  
Richard Morris  
705 Danes Hall Drive  
Louisville, Ky. 40206

Representative: Land Design and Development  
Ann Richard  
503 Washburn Avenue, Suite 101  
Louisville, Ky. 40222

Dinsmore and Shohl, LLP  
Cliff Ashburner  
101 South 5<sup>th</sup> Street, Suite 2500  
Louisville, Ky. 40202

Jurisdiction: Louisville Metro  
Council District: 22-Robin Engel  
Case Manager: **Julia Williams, RLA, AICP, Planning  
Supervisor**

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

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

**Agency Testimony:**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16ZONE1029**

02:04:34 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

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

Clifford H. Ashburner, Dinsmore and Shohl, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40207

Ann Richard, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

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

02:14:41 Mr. Ashburner stated they are repurposing a non-residential structure. Some landscaping will be placed in the right-of-way, which will require Public Works' approval. Also, the parking will be expanded.

02:20:23 Ms. Richard remarked, "This is an existing situation that we're dealing with on the landscape waiver issue." The site is heavily wooded in the rear and will probably never be removed because there's an intermittent blue line stream.

**Deliberation**

02:22:06 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 OR**

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

**WHEREAS**, The site is located in the Neighborhood Form District. The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas; and

**WHEREAS**, The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16ZONE1029**

as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing; and

**WHEREAS**, The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit; and

**WHEREAS**, the Louisville Metro Planning Commission finds, neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets; and

**WHEREAS**, the Louisville Metro Planning Commission further finds neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of Case No. 16ZONE1029, change in zoning from R-4 to OR based on the staff report, pages 2 and 3 and the testimony heard today.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Peterson and Tomes**  
**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Smith and Turner**

# PLANNING COMMISSION MINUTES

August 4, 2016

## PUBLIC HEARING

### CASE NO. 16ZONE1029

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

#### **Waiver from 10.2.10 to permit encroachments into the required 10' VUA LBA**

**WHEREAS**, The waiver will not adversely affect adjacent property owners since the landscape requirements within the buffers will still be met within the right of way; and

**WHEREAS**, Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. This is being met since the landscape requirements within the buffers will still be met within the right of way; 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 since the landscape requirements within the buffers will still be met within the right of way; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the landscape requirements within the buffers will still be met within the right of way.

#### **Detailed District Development Plan and Binding Elements**



**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16ZONE1029**

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

**WHEREAS**, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided, and Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, there are no open space requirements pertinent to the current proposal. Open space is provided in the form of buffers; 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 and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; and

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 16ZONE1029, the waiver of 10.2.10 to permit encroachments into the required 10 foot VUA LBA and the development plan based on the staff report, pages 3 and 4 and the testimony heard today. Commissioner Howard added: some evergreen plantings will be placed along the property line of Stony Brook in the landscape buffer area per the testimony today and with a permit from Metro Public Works. Commissioners Jarboe and Lewis accepted the addition, **SUBJECT** to the following Binding Elements:

**Binding Elements**

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



**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16ZONE1029**

for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The development shall not exceed 7,680 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16ZONE1029**

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 Blake, Brown, Howard, Jarboe, Lewis, Peterson and Tomes**  
**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Smith and Turner**

**PLANNING COMMISSION MINUTES  
August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 9-58-89 / 15424**

**02:26:15**

**Request:** Binding Element Violation – Report on paving  
**Property Address:** 9201 Blue Lick Road  
**Case Manager:** John Carroll, Assistant County Attorney

**Agency Testimony:**

02:27:06 Mr. Carroll said the applicant is making good strides to get the property in compliance. The fine has been suspended.

02:28:02 Mr. Wilcher visited the site yesterday and took some photographs. The parking lot has been paved and striped. The landscaping should be installed by the next meeting in October.

**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.**

**NO VOTE**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16ZONE1014**

**02:30:35**

Request: Change in zoning from R-4 to CM  
Project Name: River Glen  
Location: 500 North English Station Road  
Owner: C & T Developers LLC

Applicant: River Glen  
Keith Eberenz  
1902 Campus Place, Suite 6  
Louisville, Ky. 40299

Representative: Land Design and Development, Inc.  
Ann Richard  
503 Washburn Avenue, Suite 1010  
Louisville, Ky. 40222

Michael Tigue  
Law Office of Michael Tigue, PLLC  
P.O. Box 729  
LaGrange, Ky. 40031

Jurisdiction: City of Middletown  
Council District: 19-Julie Denton  
Case Manager: **Julia Williams, RLA, AICP, Planning  
Supervisor**

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

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

**Agency Testimony:**

02:31:08 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

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

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16ZONE1014**

Michael Tigue, P.O. Box 729, LaGrange, Ky. 40031

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

02:35:24 Mr. Tigue gave a power point presentation stating the property is R-4 and sits in the middle of some intense industrial uses. The units are being presented as commercial warehouse but are really commercial contractor. Also, the issues the neighbors had concerning drainage and traffic have all been addressed.

Mr. Tigue said the applicant accepts the 2 proposed binding elements requested by Commissioner Brown regarding contributing to traffic signals.

**Deliberation**

02:38:36 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 CM**

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

**WHEREAS**, The proposed form district is the Suburban Workplace Form District. A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district; and

**WHEREAS**, the Louisville Metro Planning Commission finds, in order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses; and

**WHEREAS**, the Louisville Metro Planning Commission further finds staff finds that the existing zoning classification is inappropriate and the proposed classification is appropriate due to the major changes of an economic, physical, or social nature within

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16ZONE1014**

the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area. This parcel of land is the last piece of residentially zoned property along English Station Road north of Aiken Road until after Old Henry Road. All other parcels along this corridor are zoned industrially.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to the City of Middletown, **APPROVAL** of Case No. 16ZONE1014, a change in zoning from R-4 to CM, the District Development Plan and associated binding elements based on the staff report, testimony and evidence presented at the hearing today. The existing zoning is inappropriate and the proposed zoning is appropriate due to the social, physical and economic nature of the area.

**Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 60,000 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit including but not limited to building, parking lot, change of use, site disturbance, alteration permit is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to



**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16ZONE1014**

requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. The property owner shall provide a cross over access easement if the property to the north is ever re-developed. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 4, 2016 Planning Commission meeting.
11. The developer shall contribute their prorated portion, not to exceed \$1,800, to the cost of the signal installation at Aiken Road and North English Station Road. This shall be paid within 30 days of the request by the Director of Metro Public Works. The request shall be made to the developer when Metro Public Works obtains the balance of the cost of the installation and no sooner than construction plan approval.
12. If at the time of final certificate of occupancy, sidewalks have not been constructed along N. English Station Rd by KYTC project 5-353 a sidewalk fee in lieu will be applied. A bond will also be required, and will be released at the time the fee-in-lieu is paid.

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**PUBLIC HEARING**

**CASE NO. 16ZONE1014**

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Peterson and Tomes**  
**NOT PRESENT AND NOT VOTING: Commissioners Kirchdorfer, Smith and**  
**Turner**

**PLANNING COMMISSION MINUTES  
August 4, 2016**

**APPROVAL OF MINUTES**

**CASE NO. 16AMEND1007 ONLY**

**02:41:01**

**AUGUST 4, 2016 PLANNING COMMISSION MINUTES – CASE NO. 16AMEND1007 ONLY**

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

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on August 4, 2016, Case No. 16AMEND1007 ONLY.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Peterson and Tomes  
NOT PRESENT FOR THIS CASE: Commissioners Kirchdorfer, Smith and Turner**

**PLANNING COMMISSION MINUTES**  
**August 4, 2016**

**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 4:01p.m.



Chair



Planning Director