

**PLANNING COMMISSION MINUTES**  
**November 19, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0069**

Request: Change in zoning from R-4 & M-2 to EZ-1 and Change in Form from Neighborhood to Suburban Workplace  
Project Name: Bohannon Property  
Location: 13915, 14201, & 15012 Bohannon Avenue  
Owner: LDG Land Holdings, LLC  
Applicant: LDG Land Holdings, LLC  
Representative: Dinsmore & Shohl, LLP  
Jurisdiction: Louisville Metro  
Council District: 14 - Cindi Fowler

**Case Manager: Joel P. Dock, 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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

02:14:47 Joel Dock presented the case and showed a Power Point presentation (see recording for detailed presentation.)

02:21:22 In response to a question from Commissioner Carlson, Mr. Dock said he had not received a response from police about the gate.

02:21:34 In response to a question from Commissioner Mims, Mr. Dock discussed existing encroachments of impervious surfaces where the proposed road will take its place (see recording.) Mr. Dock reviewed MSD's comments.

02:22:41 In response to a question from Commissioner Mims, Mr. Dock reviewed the access to Dixie Highway (see recording.)

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

Cliff Ashburner, Dinsmore and Shohl, 101 South Fifth Street, Louisville, KY 40202

Kelli Jones, Sabak Wilson and Lingo, 608 South Third Street, Louisville, KY

**PLANNING COMMISSION MINUTES**  
**November 19, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0069**

**Summary of testimony of those in support:**

02:24:30 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

02:33:15 Kelli Jones discussed the site plan in detail, as well as the evolution of the plan and how the applicant has responded to concerns.

02:43:49 Mr. Ashburner resumed and concluded the applicant's presentation. He noted that the applicant has tried repeatedly to contact the owner of one home that this site surrounds, with the intent to purchase the property. He proposed a binding element regarding the northernmost buildings (Buildings #3 and #4), to read as follows:

*Before development of Buildings #3 and #4, a landscape plan will be reviewed and approved by the Louisville Metro Planning Commission or a Committee thereof. This requirement for Building #3 shall be null and void should the property to the west of Building #3 cease being used as a residence.*

02:47:44 In response to a question from Commissioner Brown, Mr. Ashburner said hours of operation were not known at this time.

02:47:58 In response to a question from Commissioner Mims, Ms. Jones used the site plan to clarify setbacks for utility easements and ROW; she also pointed out the areas for preservation of streams, wetland areas, etc. (see recording.)

02:49:29 In response to a question from Commissioner Carlson, Ms. Jones confirmed that all construction safety guidelines will be followed, notably for the Texas Gas Line on the site. See recording for detailed discussion.

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

No one spoke.

02:50:38 Commissioners' deliberation.

\*NOTE: one person who signed in to speak as "Other" joined the meeting and asked to speak. The Commissioners came out of Business session temporarily to allow the speaker.

**PLANNING COMMISSION MINUTES**  
**November 19, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0069**

**The following spoke neither for nor against (“Other”):**

Tony Kelly, 13706 South Blakely Lane, Louisville, KY

**Summary of testimony of those neither for nor against (“Other”):**

02:53:55 Tony Kelly said he lives one parcel over from Bohannon. He said his concern is the viewshed, hours of operation being unknown, and noise from an unknown tenant. He said he is concerned that, once the zoning is changed, there will be few protections for residents. He noted that the noise from Riverport travels right in to his backyard. This is not as much of a concern now, because these are daily businesses; he is concerned about a possible overnight/third shift business.

02:56:16 Mr. Ashburner said the applicant has heard residents’ concerns; that is one reason why he suggested that the landscape plans come back before the Planning Commission for the two northernmost buildings, which are closest to the residential property.

02:57:35 The Commission resumed 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.**

**Change-in-Form from Neighborhood to Suburban Workplace**

03:01:33 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the request meets the intents of Community Form: Goal 1 because the proposal would result in an expansion of industrial uses in a residential area as the proposed district expands the existing industrial zoning district north towards a residential neighborhood and borders one residential property on three sides. However, the site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form and all vehicular, except for emergency vehicles, will be restricted to access through the adjacent industrial development and eventually connect to Dixie Highway, a major arterial roadway. No access through local residential roadways will be provided to the development site. Transitions in the form of landscape buffers and screening will be provided; and

**PLANNING COMMISSION MINUTES**  
**November 19, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0069**

**WHEREAS**, the Commission further finds that the site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form and all vehicular, except for emergency vehicles, will be restricted to access through the adjacent industrial development and eventually connect to Dixie Highway, a major arterial roadway. No access through local residential roadways will be provided to the development site. Dixie Highway provides for transit access to population and employments centers; and

**WHEREAS**, the Commission further finds that the site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form. The site can be served through roadways on this adjacent site and will not be isolated from industrial users; and

**WHEREAS**, the Commission further finds that impacts of the industrial use on residential users will be reduced through restrictive access through adjacent industrial areas. The site is in area of low population density and not immediately adjacent to larger residential populations. Impacts of the industrial use on residential users will be reduced through restrictive access through adjacent industrial areas. The site is in area of low population density and not immediately adjacent to larger residential populations. Adverse impacts of traffic on nearby residential roads will be reduced by restricting access to Bohannon Ave. The adverse impacts of noise on adjacent uses should be mitigated in the future in the event a user may disturb adjacent residential users with noises or vibrations, specifically for occupants, if any, of the residential property that is bordered on 3 sides by the proposed development. Potentially hazardous or nuisances uses as defined by the Land Development Code will require conditional use permit to use the property; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Community Form: Goal 3 because the subject property contains environmental features that will be disturbed. All restoration improvements required by the LDC to stream banks as a result of disturbance will be provided; MSD, KDOW and USACE review and approval will be received prior to site disturbance to minimize environmental degradation of sensitive features; and measures to protect health, safety and welfare of future users of the development will be provided as construction plan approval will be required prior to disturbance.; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Mobility: Goal 3 because the proposal will connect with adjacent uses of similar intensities via roadways to Dixie Highway which provides for transit and bike facilities. Pedestrian connectivity will be provided to public walks proposed or existing; all improvements necessary to facilitate appropriate levels and points of access will be made. All vehicular access, except for emergency vehicles, will be prohibited from

**PLANNING COMMISSION MINUTES**  
**November 19, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0069**

Bohannon; the proposal eliminates the use of Bohannon Avenue for future industrial traffic. This roadway is inadequate to serve an industrial user; the site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form and all vehicular, except for emergency vehicles, will be restricted to access through the adjacent industrial development and eventually connect to Dixie Highway, a major arterial roadway. No access though local residential roadways will be provided to the development site; and Dixie Highway provides for transit access to population and employment centers; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Community Facilities: Goal 2 because all utilities will be provided as required and MSD review and approval has been received; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Economic Development: Goal 1 because the proposed district is compatible with adjacent industrial land within the Workplace form and does not result in increased traffic on nearby local residential roadways; the proposed district is compatible with adjacent proposed Riverport, Phase 5; and the site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form and all vehicular, except for emergency vehicles, will be restricted to access through the adjacent industrial development and eventually connect to Dixie Highway, a major arterial roadway. No access though local residential roadways will be provided to the development site. Dixie Highway provides for transit access to population and employment centers; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Livability: Goal 1 because MSD, KDOW and USACE review and approval will be received prior to site disturbance to minimize environmental degradation of sensitive features; and MSD review and approval has been received; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested Change-in-Form from Neighborhood to Suburban Workplace on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Lewis, Peterson, Brown, Mims, Howard, Carlson, Daniels, Seitz, Sistrunk, and Jarboe.**

**Change-in-Zoning from R-4 & M-2 to EZ-1**



**PLANNING COMMISSION MINUTES**  
**November 19, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0069**

03:02:32 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the request meets the intents of Community Form: Goal 1 because the proposal would result in an expansion of industrial uses in a residential area as the proposed district expands the existing industrial zoning district north towards a residential neighborhood and borders one residential property on three sides. However, the site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form and all vehicular, except for emergency vehicles, will be restricted to access through the adjacent industrial development and eventually connect to Dixie Highway, a major arterial roadway. No access though local residential roadways will be provided to the development site. Transitions in the form of landscape buffers and screening will be provided; and

**WHEREAS**, the Commission further finds that the site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form and all vehicular, except for emergency vehicles, will be restricted to access through the adjacent industrial development and eventually connect to Dixie Highway, a major arterial roadway. No access though local residential roadways will be provided to the development site. Dixie Highway provides for transit access to population and employments centers; and

**WHEREAS**, the Commission further finds that the site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form. The site can be served through roadways on this adjacent site and will not be isolated form industrial users; and

**WHEREAS**, the Commission further finds that impacts of the industrial use on residential users will be reduced though restrictive access though adjacent industrial areas. The site is in area of low population density and not immediately adjacent to larger residential populations. Impacts of the industrial use on residential users will be reduced though restrictive access though adjacent industrial areas. The site is in area of low population density and not immediately adjacent to larger residential populations. Adverse impacts of traffic on nearby residential roads will be reduced by restricting access to Bohannon Ave. The adverse impacts of noise on adjacent uses should be mitigated in the future in the event a user may disturb adjacent residential users with noises or vibrations, specifically for occupants, if any, of the residential property that is bordered on 3 sides by the proposed development. Potentially hazardous or

**PLANNING COMMISSION MINUTES**  
**November 19, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0069**

nuisances uses as defined by the Land Development Code will require conditional use permit to use the property; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Community Form: Goal 3 because the subject property contains environmental features that will be disturbed. All restoration improvements required by the LDC to stream banks as a result of disturbance will be provided; MSD, KDOW and USACE review and approval will be received prior to site disturbance to minimize environmental degradation of sensitive features; and measures to protect health, safety and welfare of future users of the development will be provided as constructions plan approval will be required prior to disturbance.; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Mobility: Goal 3 because the proposal will connect with adjacent uses of similar intensities via roadways to Dixie Highway which provides for transit and bike facilities. Pedestrian connectivity will be provided to public walks proposed or existing; all improvements necessary to facilitate appropriate levels and points of access will be made. All vehicular access, except for emergency vehicles, will be prohibited from Bohannon; the proposal eliminates the use of Bohannon Avenue for future industrial traffic. This roadway is inadequate to serve an industrial user; the site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form and all vehicular, except for emergency vehicles, will be restricted to access through the adjacent industrial development and eventually connect to Dixie Highway, a major arterial roadway. No access though local residential roadways will be provided to the development site; and Dixie Highway provides for transit access to population and employments centers; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Community Facilities: Goal 2 because all utilities will be provided as required and MSD review and approval has been received; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Economic Development: Goal 1 because the proposed district is compatible with adjacent industrial land within the Workplace form and does not result in increased traffic on nearby local residential roadways; the proposed district is compatible with adjacent proposed Riverport, Phase 5; and the site is adjacent to an appropriately located industrial site (Riverport Phase 5) within the workplace form and all vehicular, except for emergency vehicles, will be restricted to access through the adjacent industrial development and eventually connect to Dixie Highway, a major arterial roadway. No access though local residential roadways will be provided to the development site. Dixie Highway provides for transit access to population and employments centers; and

**PLANNING COMMISSION MINUTES**  
**November 19, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0069**

**WHEREAS**, the Commission further finds that the proposal meets the intents of Livability: Goal 1 because MSD, KDOW and USACE review and approval will be received prior to site disturbance to minimize environmental degradation of sensitive features; and MSD review and approval has been received; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-4 & M-2 to EZ-1 on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Lewis, Peterson, Brown, Mims, Howard, Carlson, Daniels, Seitz, Sistrunk, and Jarboe.**

**Variance**

03:03:28 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the requested variance will not adversely affect public health, safety, or welfare as existing encroachments are present in this area and all streambank restoration required by the Land Development Code will be provided; and

**WHEREAS**, the Commission further finds that the requested variance will not alter the essential character of the general vicinity as encroachments of an existing industrial users are present in the area of the new drive lane; and

**WHEREAS**, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public as stream bank restoration will be required in disturbed areas to accommodate the proposal; and

**WHEREAS**, the Commission further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations as the proposed roadway is consistent with the existing impervious surfaces; and

**WHEREAS**, the Commission further finds that binding elements have been added to the zoning change request that further require the enforcement of stream bank restoration and management; and



**PLANNING COMMISSION MINUTES**  
**November 19, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0069**

**WHEREAS**, the Commission further finds that MSD, KDOW and USACE review and approval will be received prior to site disturbance to minimize environmental degradation of sensitive features; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested **Variance** from Land Development Code (LDC), section 4.8.3 to encroach upon the 100' protected waterway (Weavers Run).

**The vote was as follows:**

**YES: Commissioners Lewis, Peterson, Brown, Mims, Howard, Carlson, Daniels, Seitz, Sistrunk, and Jarboe.**

**Waiver**

03:04:29 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as all required plantings and screening will be required and the use of the encroachment will be for passenger vehicles; and

**WHEREAS**, the Commission further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The proposed development will provide all required planting materials to protect the residence from visual intrusions; and

**WHEREAS**, the Commission further finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as the encroachments can be removed through a redesign of the development site. Encroachments in this location are primarily the result of restricting access To Bohannon Avenue; and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as all required planting and screening will be provided and the area is limited to passenger vehicles; now, therefore be it

**PLANNING COMMISSION MINUTES**  
**November 19, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0069**

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested **Waiver** of LDC, section 10.2 to encroach upon the 50' landscape buffer between EZ-1 and R-4.

**The vote was as follows:**

**YES: Commissioners Lewis, Peterson, Brown, Mims, Howard, Carlson, Daniels, Seitz, Sistrunk, and Jarboe.**

**Detailed District Development Plan**

03:05:21 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that impacts upon natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be mitigated or avoided where necessary; and

**WHEREAS**, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will provided through Riverport Phase 5 (Lewis/Randy Coe Lane) to Dixie Highway, an arterial roadway, providing public transit; and

**WHEREAS**, the Commission further finds that the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided; and

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

**WHEREAS**, the Commission further finds that the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the proposed development generally complies with the Land Development Code, except for the requested relief; and

**PLANNING COMMISSION MINUTES**  
**November 19, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0069**

**WHEREAS**, the Commission further finds that the proposed development plan conforms to Plan 2040 as access to a local residential roadway is restricted, connectivity to arterial roadway with transit is provided, and the site is adjacent to similar intensities and future users; now, therefore be it

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

1. The site shall be maintained in accordance with all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Amendment of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any amendments not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted.
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 is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
  - 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 for any work within the state right-of-way.
  - c. 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.
  - d. 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

**PLANNING COMMISSION MINUTES**  
**November 19, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0069**

- e. Portions of Bohannon Avenue shown on the approved development plan to be closed shall be reviewed by the Planning Commission and recorded prior to requesting a permit
- 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 a copy of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise all parties of their content. 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. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.
- 7. No overnight idling within 200 ft. of residential property lines.
- 8. No access shall be permitted to Bohannon Avenue, except for emergency vehicles and pedestrians.
- 9. At the time of development, the following restoration standards shall be met:
  - a. Riparian vegetation shall be planted, as necessary, to stabilize the banks of a protected waterway within a Buffer Area. Where a bank is denuded of its vegetation due to erosion, slope failure or similar occurrence, appropriate vegetation shall be planted to quickly establish a vegetative cover, and then replanted with riparian vegetation to ensure the long-term stabilization of the bank. Restoration plantings shall be selected from the MSD native species restoration specifications.
  - b. Where stream bank erosion has occurred as a result of on-site development activities, riparian vegetation shall be planted to stabilize the stream bank unless MSD determines such vegetation would be inadequate to re-stabilize the bank. In instances where the MSD determines that planting of riparian vegetation is inadequate to

**PLANNING COMMISSION MINUTES**  
**November 19, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0069**

stabilize the stream bank alternate methods of stabilization, approved by the MSD shall be utilized.

- c. Stream, stream bank, and vegetation restoration projects are allowed where the goal is to restore the protected waterway, wetlands, or Buffer Area to an ecologically healthy state, as approved by MSD.

10. Tree and Vegetation Removal.

- a. Existing, healthy trees and vegetation within the Buffer Area shall be preserved, except for those areas designated by the Limits of Disturbance on the approved district development plan. Trees and vegetation shall be restored in accordance with Binding Element #9 for all areas within the buffer that lie between impervious surfaces and the Limits of Disturbance.

- b. This provision shall not prohibit any of the following: Removal of dead or diseased trees/vegetation (provided a live root system stays intact); removal of noxious weeds; Removal of non-native trees/vegetation that threaten native species growth or reintroduction; removal of fallen trees, tree limbs, brush and similar debris that accumulate naturally in river/stream beds and that impede river/stream flow, or removal of any other tree/vegetation that is a threat to the public health or safety; Removal of trees as part of an approved plan for stream side recreation or access (e.g. pedestrian trail) or as part of an approved utility or road construction project.

- 11. Before development of Buildings #3 and #4, or the buildings nearest the home in the northeast corner of the site, a landscape plan will be reviewed and approved by the Louisville Metro Planning Commission or a Committee thereof. This requirement for Building #3 shall be null and void should the property to the west of Building #3 cease being used as a residence.

**The vote was as follows:**

**YES: Commissioners Lewis, Peterson, Brown, Mims, Howard, Carlson, Daniels, Seitz, Sistrunk, and Jarboe.**