

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
May 19, 2016**

A meeting of the Louisville Metro Planning Commission was held on Thursday, May 19, 2016 at 1:00 p.m. at the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

**Commission members present:**

Donnie Blake, Chairman  
Vince Jarboe, Vice Chairman  
Jeff Brown  
Robert Peterson  
Clifford Turner  
David Tomes  
Robert Kirchdorfer  
Marilyn Lewis

**Commission members absent:**

Chip White (RESIGNED)  
Lula Howard

**Staff Members present:**

Emily Liu, Director, Planning and Design Services  
Joseph Reverman, Assistant Director, Planning and Design Services  
John G. Carroll, Legal Counsel  
Jon Baker, Legal Counsel  
Julia Williams, Planner II  
Joel Dock, Planner I  
Michael King, Urban Planner, Develop Louisville  
Mike Wilcher, Planning Supervisor & Associate Planner, Code Enforcement  
Tammy Markert, Transportation Planning  
Kristen Loeser, Management Assistant  
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

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**Approval of Minutes**

**Minutes of the meeting of the April 21, 2016 Planning Commission public hearing.**

00:12:54 On a motion by Commissioner Jarboe, seconded by Commissioner Peterson, the following resolution was adopted:

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of the April 21, 2016 Planning Commission public hearing.

**The vote was as follows:**

**YES: Commissioners Turner, Blake, Tomes, Jarboe, and Peterson.**

**NO: No one.**

**NOT PRESENT: Commissioners White and Howard.**

**ABSTAINING: Commissioners Lewis, Brown, and Kirchdorfer.**

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**Business Session**

**Commissioner Appointment**

00:14:25 Commissioner Blake announced the resignation of Commissioner Chip White, and read his letter of resignation into the record. Emma Smith was announced as the proposed replacement for Commissioner White.

00:17:11 On a motion by Commissioner Tomes, seconded by Commissioner Peterson, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the proposed nomination of Emma Smith to replace Commissioner Chip White on the Louisville Metro Planning Commission, with an effective term of June 1, 2016 through October 1, 2017.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioners White and Howard.**

**ABSTAINING: No one.**

00:18:12 Commissioner Blake proposed the reappointment of Commissioner Peterson, whose term had expired.

00:18:48 On a motion by Commissioner Tomes, seconded by Commissioner Lewis, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the proposed reappointment of Commissioner Rob Peterson to the Louisville Metro Planning Commission with an effective term through October 1, 2018.

**The vote was as follows:**

**YES: Commissioners Lewis, Brown, Turner, Blake, Kirchdorfer, Tomes, and Jarboe.**

**NO: No one.**

**NOT PRESENT: Commissioners White and Howard.**

**ABSTAINING: Commissioner Peterson.**

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**Consent Agenda**

**Case No. 16STREETS1001**

**Request:** Street Closure for segments of Powatan, Cabel, and Buchanan Streets

**Project Name:** WDC Street Closures

**Location:** Abutting North R/W of I-64 and South R/W of River Road

**Owner:** Louisville Metro Government

**Applicant:** Waterfront Development Corporation  
Mike Kimmel, Representative  
129 East River Road  
Louisville, KY 40202

**Representatives:** Deborah Bilitski  
Assistant County Attorney  
600 West Jefferson Street  
Louisville, KY 40202

**Jurisdiction:** Louisville Metro

**Council District:** 4 – David Tandy

**Case Manager:** **Joel Dock, Planner I**

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

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

**An audio/visual recording of the Land Development and Transportation Committee meeting 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.**

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**Consent Agenda**

**Case No. 16STREETS1002**

**Request:** Street name change from Warnock Street to University Boulevard

**Project Name:** Warnock Street Name Change

**Location:** Warnock Street west of Crittenden Drive to South Brook Street

**Owner:** Public ROW

**Applicant:** University of Louisville  
Kathleen Smith, Representative  
102 Grawmeyer Hall  
Louisville, KY 40292

**Representatives:** David James  
University of Louisville  
102 Grawmeyer Hall  
Louisville, KY 40292

David Saffer, Attorney  
Stites & Harbison  
400 West Market Street #1800  
Louisville, KY 40202

**Jurisdiction:** Louisville Metro

**Council District:** 15 – Marianne Butler

**Case Manager:** **Laura Mattingly-Humphrey, Planner I**

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

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

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**An audio/visual recording of the Land Development and Transportation Committee meeting 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.**

**Agency Testimony:**

00:21:13 Julia Williams spoke on behalf of Laura Mattingly-Humphrey. She stated that one letter of opposition had been received regarding Case No. 16STREETS1002 after the LD&T meeting. She read the letter into the record.

00:27:29 On a motion by Commissioner Tomes, seconded by Commissioner Jarboe, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the Consent Agenda items be **APPROVED**.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioners White and Howard.**

**ABSTAINING: No one.**

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**Public Hearing**

**Case No. 16AREA1001**

**Request:** Change in form district from TN to DT and change in zoning from R-7 to C-2 on 35.38 acres.

**Project Name:** Russell Area-Wide Rezoning

**Location:** 1000 West Jefferson Street (Beecher Terrace Housing Complex)

**Owner/Applicant:** Louisville Metro

**Representative:** Louisville Metro

**Jurisdiction:** Louisville Metro

**Council District:** 4 – David Tandy

**Case Manager:** **Michael King, Urban Planner  
Office of Advanced Planning**

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.)

**An audio/visual recording of the Land Development and Transportation Committee meeting 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.**

**Agency Testimony:**

00:28:50 Michael King presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

**The following spoke in favor of the proposal:**

Marshall Gazaway, 425 Claver Court #56, Louisville, KY 40203-1823

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Gretchen Milliken, 1031 South Fourth Street, Louisville, KY 40203

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

00:37:27 Marshall Gazaway spoke in strong support of the project.

00:39:40 Gretchen Milliken, Director of Louisville Metro Advanced Planning, gave some details about grant funds and the timeline/s for the project.

**The following spoke in opposition to the proposal:**

No one spoke.

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

No one spoke.

**Rebuttal:**

There was no rebuttal, since no one spoke in opposition.

**Deliberation:**

00:41:56 Commissioners’ deliberation.

**Zoning**

00:44:40 On a motion by Commissioner Jarboe, seconded by Commissioner Turner, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the area wide rezoning complies with **Guideline 1, Community Form** of Cornerstone 2020. The area wide rezoning will ensure that new development will be designed to be compatible with the scale and form of existing development in the neighborhood, as well as with the pattern of existing uses; and

**WHEREAS**, the Commission further finds that the area wide rezoning complies with **Guideline 2, Centers** of Cornerstone 2020. The area wide rezoning will promote an efficient use of land and investment in existing infrastructure. The area wide rezoning will encourage a mixed use development to take place of the existing housing complex. The area wide rezoning will encourage vitality and a sense of place in the neighborhood; and



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**WHEREAS**, the Commission further finds that the area wide rezoning complies with **Guideline 3, Compatibility** of Cornerstone 2020. The area wide rezoning will encourage mixed use development with housing options for existing residents and needed commercial opportunities. For the reasons stated above, the area wide rezoning will preserve the character of the existing neighborhood; and

**WHEREAS**, the Commission further finds that the area wide rezoning complies with **Guideline 5, Natural Areas and Scenic and Historic Resources**. The area wide rezoning will allow for the inclusion of recreational green space throughout the development; and

**WHEREAS**, the Commission further finds that the area wide rezoning complies with **Guideline 6, Economic Growth and Sustainability**. The area wide rezoning will encourage neighborhood serving commercial development, improved housing, and greater connectivity to Beecher Terrace and the Russell Neighborhood; and

**WHEREAS**, the Commission further finds that the area wide rezoning complies with **Guideline 14, Infrastructure**. The area wide rezoning will encourage effective and appropriate connections between land use patterns and supporting infrastructure; and

**WHEREAS**, the Commission further finds that the existing zoning and form classifications are inappropriate for the community's conceptual vision of Beecher Terrace and the proposed zoning and form classifications are appropriate. The area wide rezoning will ensure that new development will be designed to be compatible with the scale and form of existing development in the neighborhood, as well as with the pattern of existing uses. The area wide rezoning will encourage a mix of appropriate uses and scale according to the specified zoning and form districts.

**WHEREAS**, the Commission further finds that based on the reasons stated above, or otherwise stated in the staff report, and as depicted in the maps presented at the Planning Commission public hearing, the area wide rezoning complies with all other Guidelines and Policies of Cornerstone 2020; and

**WHEREAS**, the Commission further finds that, based on the evidence and testimony presented and the applicant's justification that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

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**Case No. 16AREA1001**

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in form district from TN to DT and change in zoning from R-7 to C-2 on 35.38 acres on property located in the attached legal description be **APPROVED**.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioners White and Howard.**

**ABSTAINING: No one.**

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**Public Hearing**

**Case No. 15ZONE1055**

**Request:** Change in zoning from R-5A to C-1 and from C-1 to CM on 1.62 acres; also Waivers, Amendments to the General Plan Binding Elements, and a Revised Detailed District and General Development Plan.

**Project Name:** Mini-Storage Facility

**Location:** 10200 Brookridge Village Boulevard

**Owner/Applicant:** Noltemeyer Capital LLLP  
Norman Noltemeyer  
122 North Peterson  
Louisville, KY 40206

**Representative:** William Bardenwerper  
Bardenwerper, Talbott & Roberts PLLC  
1000 North Hurstbourne Parkway 2<sup>nd</sup> Floor  
Louisville, KY 40223

Mike Keal  
Keal and Associates, Inc.  
P.O. Box 5130  
Louisville, KY 40255

**Jurisdiction:** Louisville Metro

**Council District:** 22 – Robin Engel

**Case Manager:** Julia Williams, RLA, AICP, Planner II

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.)

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**An audio/visual recording of the Land Development and Transportation Committee meeting 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.**

**Agency Testimony:**

00:45:10 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

**The following spoke in favor of the proposal:**

William Bardenwerper, Bardenwerper, Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway 2<sup>nd</sup> Floor, Louisville, KY 40223

Mike Keal, Keal and Associates, Inc., P.O. Box 5130, Louisville, KY 40255 (was present only to answer questions if needed)

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

00:56:28 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

**The following spoke in opposition to the proposal:**

No one spoke.

**The following spoke neither for nor against the proposal ("Other"):**

No one spoke.

**Rebuttal:**

There was no rebuttal, since no one spoke in opposition.

**Deliberation:**

01:04:51 Commissioners' deliberation.

**Zoning**

01:06:29 On a motion by Commissioner Peterson, seconded by Commissioner Lewis, the following resolution was adopted:

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Guideline 1 – Community Form Town Center**. The proposed Brookridge Village mini-storage facility is located in a Town Center; Town Centers contain significant amounts of diverse uses, largely in square footage quantities greater than the activity centers found in neighborhoods; and these uses are typically compact and designed to serve the needs of the Town Center; and

**WHEREAS**, the Commission further finds that this application complies with this Guideline because this particular Town Center includes a variety of businesses, which are traditional users of mini-storage facilities; residents are users as well, which is a reason that mini-storage facilities like to locate along arterial roadways in order to conveniently serve both the nearby commercial businesses and residential populations; and mini-storage facilities are located in Town Centers elsewhere around Metro Louisville; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 2 – Activity Centers**. The intents and applicable Policies 1, 2, 4, 5, 7, 11, 14 and 15 all relate to the fact that activity centers are intensely developed areas, whether in a neighborhood or a Town Center like this, where infrastructure already exists, where commuting times can be reduced because of the intensity of mixed uses within a defined area, the desirability being that uses within an activity center be mixed and compactly developed; and

**WHEREAS**, this application complies with the Intents and applicable Policies of this Guideline because the subject property is surrounded by a diversity of uses, in close proximity to one another; the site is located just off an arterial highway, easily accessible from both residential areas and nearby businesses which will utilize the proposed Brookridge Village mini-storage facility; and Town Centers are typically thought of as activity centers in and of themselves, and this is one where the development is already mixed, compact and with available infrastructure already at the site; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 3 – Compatibility**. The intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 19, 20, 21, 22, 23 and 28 all pertain to how potentially incompatible uses can be made compatible through design. This application complies with these Intents and applicable Policies of this Guideline as follows; potentially incompatible uses can be made compatible through design, and that is accomplished at this location because there is no consistent design theme in this immediate area. High quality design will be a critical factor to assure acceptance by Brookridge Village businesses and residents already located

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here; design will incorporate a colored split-face block type of material along the rear of the metal buildings, such that the look from the exteriors will be one of a masonry wall, which is typical of other mini-storage facilities around Metro Louisville; this can assure that the interior of the site, which is constructed of metal, will not be visible except through an attractive wrought iron style, black brushed aluminum gate; and

**WHEREAS**, the Commission further finds that hazardous materials and noxious uses will be prohibited from this facility; no odors or noises are associated with it; lighting will not extend above the roof line, so it will not be visible from off site; it will be directed down and away from nearby properties; access will be controlled from one location; parking will be minimized; peak hour traffic is nonexistent and is generally distributed throughout the day and this use fits with the centers concept; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 6 – Economic Growth and Sustainability**. The Intents and applicable Policies 3, 5, 6 and 11 of this Guideline all apply to assuring the availability of necessary usable land to facilitate various types of commercial and other development, including the desire to develop within activity centers where redevelopment is possible; and

**WHEREAS**, the Commission further finds that this application complies with the Intents and applicable Policies of this Guideline because the subject use is not out of character with the intense variety of uses mostly surrounding it; there is a market for a mini-storage facility of this kind to support the demands of commercial activities and residences along this stretch of Bardstown Road; further development of this property as previously proposed for more office condominiums will simply lead to a diminution in value of the existing office condominiums because of a lack of a current demand; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 7 – Circulation; Guideline 8 – Transportation Facility Design; and Guideline 9 – Alternative Forms of Access**. The Intents and applicable Policies 1, 2, 9, 10, 11, 12, 13, 14 and 16 of Guideline 7, plus applicable Policies 5, 9, 10 and 11 of Guideline 8, plus applicable Policy 1 of Guideline 9 all pertain to the issues that are thoroughly reviewed and determined by Metro Transportation Planning and Public Works officials; and they have their standards for design of all of the Policies referenced hereinabove; and

**WHEREAS**, the Commission further finds that the application complies with the Intents and applicable Policies of these Guidelines as follows; the referenced

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government agencies have stamped the plan for preliminary review, thus indicating those technical reviewing agencies' determination that the issues raised by these applicable Policies have been addressed on the detailed district development plan (DDDP); Mike Keal & Associates is a professional land planning and engineering firm that takes into account all of these factors; it has shown on the DDDP that access to the site, as determined by government agencies, is located where it will not have a negative impact on the local street system; access is appropriately shown on the DDDP, as well as circulation throughout the development, including necessary parking; stub connections to adjoining properties are not included because this is a secure facility, thus access through the development to other properties would not make sense because security would be lost; it is believed that adequate right-of-way already exists along Brookridge Village Blvd.; pedestrian access will be provided along the property's frontage; and bicycles and transit are not likely to have need for access to this facility because it is for residents and businesses who want to deliver and pick up stored items which are usually not done on a bicycle or transit; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 10 – Flooding and Stormwater**. The Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of this Guideline all pertain to the issues of stormwater management, which is the review focus of MSD. This application complies with the Intents and applicable Policies of this Guideline as follows; the overall development plan originally prepared for the Brookridge Village development includes detention; that system has adequate stormwater carrying capacity; and detention facilities are designed to assure that post-development rates of runoff do not exceed pre-development rates; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 11 – Water Quality**. The Intents and applicable Policies 3, 4, 5 and 9 of this Guideline are intended to assure water quality through application to new development of standards developed by MSD. This application complies with the Intents and applicable Policies of this Guideline as follows; MSD has established both soil erosion and sedimentation control standards as well as water quality standards; and the applicant must demonstrate compliance with these through construction design, which it will do; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 12 – Air Quality**. The intents and applicable Policies 1, 2, 4, 6, 7, 8 and 9 of this Guideline all pertain to finding ways to assure that local air quality problems are not exacerbated and, to the extent possible, that air quality might even be improved. This application complies with the Intents and applicable

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Policies of this Guideline as follows; because there is a demonstrated need for a facility of this kind to serve the local population and nearby businesses, vehicle miles traveled can be reduced, given that customers will be able to utilize a facility close by; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 13 – Landscape Character**. The Intents and applicable Policies of this Guideline all pertain to assuring that all facilities are adequately treed and landscaped. This application complies with the Intents and applicable Policies of this Guideline as follows; this facility will include all the required landscaping in accordance with the landscape requirements of the Land Development Code; and

**WHEREAS**, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; 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-5A to C-1 and from C-1 to CM on 1.62 acres on property located in the attached legal description be **APPROVED**.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioners White and Howard.**

**ABSTAINING: No one.**

- **Waiver #1 – Waiver from 10.3.7 to reduce the Gene Snyder buffer from 50' to 30' and to provide an 8' screen**
- **Waiver #2 – Waiver from 10.2.4 to eliminate the required 25' buffer and plantings between R-5A and C-1.**
- **Amendment to General Plan binding elements as presented by the applicant on May 19, 2016**
- **Detailed District Development plan and binding elements**



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01:07:23 On a motion by Commissioner Peterson, seconded by Commissioner Lewis, the following resolution was adopted:

(Wavier #1) **WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since the adjacent properties all have a similar 30' buffer along the Gene Snyder; and

**WHEREAS**, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors. The visual experience along the Gene Snyder will be consistent with the adjacent properties; and

**WHEREAS**, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the rest of the development within the General Development Plan provided a consistent 30' buffer the proposal will follow the consistency of those previous developments; and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land since the rest of the development within the General Development Plan provided a consistent 30' buffer the proposal will follow the consistency of those previous developments; and

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(Waiver #2) **WHEREAS**, the Commission further finds that the waiver will not adversely affect adjacent property owners since the two zoning districts only involve an access road where the uses haven't changed, only the zoning; and

**WHEREAS**, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 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 air borne and water borne pollutants. The rezoning of the access is to accommodate the use on a site. The existing roadway will not affect the existing uses negatively; and

**WHEREAS**, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the issue is only being raised due to the rezoning of the access to accommodate a use on the other side of the access road; and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land since the rezoning of the adjacent property to CM is dependent on the access road being rezoned to C-1 to accommodate current and future uses; and

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(Revised Detailed District Development Plan and Amendment to Binding Elements) **WHEREAS**, the Commission further finds that there does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

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

**WHEREAS**, the Commission further finds that there are no open space requirements with the current proposal; and

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

**WHEREAS**, the Commission further finds that 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. Buildings and parking lots will meet all required setbacks; and

**WHEREAS**, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from 10.3.7 to reduce the Gene Snyder buffer from 50' to 30' and to provide an 8' screen; the requested Waiver from 10.2.4 to eliminate the required 25' buffer and plantings between R-5A and C-1; and the proposed Detailed District Development plan, **SUBJECT** to the following binding elements:

**Existing General Plan Binding Elements – To Be Amended**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.

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2. Prior to development of each site or phase of this project, a detailed district development plan shall be submitted to the Planning Commission for approval. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
  - a. screening, buffering, landscaping, tree preservation
  - b. density, floor area, size and height of buildings
  - c. points of access and site layout with respect to on-site circulation
  - d. land uses
  - e. signage
  - f. loading berths
  - g. parking
  - h. sidewalks
  - i. site design elements relating to alternative transportation modes
  - j. outdoor lighting
  - k. minor subdivision plat approval
  - l. air pollution
  - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
  - n. dumpsters
  
3. The density of the multi-family residential development shall not exceed 9.32 dwelling units per acre (330 units on 35.4 acres).
  
4. ~~The C-1 Commercial development shall not exceed 24,800 square feet of gross floor area.~~ The C-2 Commercial ~~mini-warehouse~~ development shall ~~not exceed 165 units.~~ be in accordance with Detailed District Development plan, unless amended in accordance with the LDC. The OTF development shall not exceed 35,200 square feet of gross floor area for office use. Any additional development of this portion of the site shall be in accordance with a new Detailed District Development plan and a 42-unit hotel the LDC.
  
5. The C-~~2M~~ Commercial site shall be limited to mini-warehouses only, not to exceed 20,700 square feet. There shall be no other use which requires the C-~~2M~~ classification unless approved by the LD&T committee. Notice of a request to amend this binding element shall be given in accordance with Planning Commission policy. The LD&T Committee shall determine if a public hearing on the request to amend this binding element is needed.

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6. The only permitted freestanding signs shall be monument style, and located as shown on the approved general district development plan, or on detailed development plan. Prior to actual construction, each lot must receive detailed plan approval from the LD&T committee. No portion of any sign, including the leading edge of the sign frame, shall be closer than 5 feet to roadway easement line. The signs shall not exceed the size and height shown on the general district development plan. No sign shall have more than two sides. Nothing in this binding element shall be construed as giving permission to the property owner to erect a sign which may, upon further review, be determined to be illegal under the zoning district regulations.
7. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
8. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
9. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
10. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable)).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).

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- c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
- 11. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
- 12. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
- 13. A certificate of occupancy must be received from the appropriate code enforcement office 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.
- 14. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
- 15. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the

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USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.

16. When the mini-warehouses develop, units shall be constructed with split faced decorative block as primary building material as shown in preliminary drawing presented at public hearing.

**Detailed Plan Binding Elements**

1. -The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. -The development shall not exceed ~~26,000~~20,700 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

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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 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 materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 19, 2016 Planning Commission meeting.

10. No hazardous materials or outdoor storage of vehicles shall be permitted at the mini-warehouse site.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioners White and Howard.**

**ABSTAINING: No one.**



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**Case No. 16ZONE1010**

**Request:** Change in zoning from R-4 to PEC on approximately 4.46 acres with a Waiver and a Revised District Development Plan.

**Project Name:** Air Hydro Power Expansion

**Location:** 2550 Blankenbaker Parkway

**Owner/Applicant:** MOB Investments LLC  
Matt Ott, Member  
2550 Blankenbaker Parkway  
Louisville, KY

**Representative:** Clifford Ashburner  
Dinsmore & Shohl, LLP  
101 South 5<sup>th</sup> Street Suite 2500  
Louisville, KY 40202

Kevin Young  
Land Design & Development, Inc.  
503 Washburn Avenue Suite 101  
Louisville, KY 40222

**Jurisdiction:** Louisville Metro AND City of Jeffersontown

**Council District:** 20 – Stuart Benson

**Case Manager:** **Julia Williams, RLA, AICP, Planner II**

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.)

**An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning &**

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**Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Agency Testimony:**

01:10:00 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:15:48 Ms. Williams said there had been some discussion about crafting a binding element regarding Blankenbaker Road and its access.

**The following spoke in favor of the proposal:**

Clifford Ashburner, Dinsmore & Shohl, LLP, 101 South 5<sup>th</sup> Street Suite 2500, Louisville, KY 40202

Kevin Young, Land Design & Development, Inc., 503 Washburn Avenue Suite 101, Louisville, KY 40222

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

01:16:51 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:19:36 Mr. Ashburner discussed a resolution passed by the City of Jeffersontown regarding the intent to annex property/s, which bears on this case.

01:23:15 Mr. Ashburner read a proposed binding element into the record:

01:25:04 Commissioner Brown discussed prohibiting direct tractor-trailer and/or construction truck traffic access onto Blankenbaker Road until roadwork is complete. Road width and issues with construction traffic were discussed.

**The Commission recessed for 10 minutes**

01:30:25 Mr. Ashburner read the revised binding element into the record.

Per the approved plan dated April 4, 2016 and Transportation Planning requirements and standards, the applicant shall provide the following: a contribution of up to 13% of the construction costs (labor and materials) of improving Blankenbaker Road to provide 24' of total pavement width (minimum 1ft. widening) with 6-8 foot shoulders from Electron Drive to Plantside Drive. The contribution shall be made to Louisville Metro Public

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Works upon presentment of final costs incurred by Louisville Metro in the construction of the road improvements. There shall be no direct access from the subject property to Blankenbaker Road until the earlier of the above improvements being made or the granting of an encroachment permit by the appropriate permitting authority.

**The following spoke in opposition to the proposal:**

No one spoke.

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

No one spoke.

**Rebuttal:**

There was no rebuttal, since no one spoke in opposition.

**Deliberation:**

01:32:12 Commissioners’ deliberation.

**Zoning**

01:33:59 On a motion by Commissioner Tomes, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Guideline 1- Suburban Workplace Form District**. The proposed development complies with the intent and applicable Policies of this Guideline. The proposed expansion will allow for MOB businesses to remain on Blankenbaker Parkway where it is in a planned industrial development. The subject property will be added to two other MOB Investments properties to create a unified development including the existing building on Blankenbaker Parkway, a new warehouse building and an office building; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 2 – Centers**. The proposed development complies with the intent and applicable Policies of this Guideline. The proposed development represents a slight extension of the existing major activity center within and around the Bluegrass Industrial Park and Blankenbaker Parkway area. Most of the area is already zoned and/or used for industrial and office development, with the few remaining residential parcels now becoming outliers. MOB will

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provide buffers and screening as needed. Adjacent properties are part of an area-wide annexation and rezoning effort by the City of Jeffersontown; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 3 – Compatibility**. The proposed development complies with the intent and applicable Policies of this Guideline. The proposed development will be constructed of materials similar to those used in the main building. Lighting will be provided in accordance with the LDC. The proposed development includes significant landscape buffer areas ("LBA") and will include significant screening within the LBA's adjacent to the residential properties to the North and West of the subject property; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 4 – Open Space**. The proposed development complies with the intent and applicable Policies of this Guideline. The Applicant proposes to include picnic areas as an outdoor amenity area for MOB employees. There are also large LBA's and detention areas, providing significant open space; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 5-Natural Areas and Scenic and Historic Resources**. The proposed development complies with the intent and applicable Policies of this Guideline. There are no identified natural resources, nor are there any identified historic resources on the subject property; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 6-Economic Growth and Sustainability**. The proposed development complies with the intent and applicable Policies of this Guideline. The Bluegrass Industrial Park/Blankenbaker Parkway area is a very large and densely developed office/industrial park. Allowing the proposed development will keep a long-time business in the community and in an appropriate area of the community. Access will be through existing entrances and drive areas on the MOB property on Blankenbaker Parkway and via a new entrance on Blankenbaker Road; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 7-Circulation and Guideline a-Transportation Facility Design**. The proposed development complies with the intent and applicable Policies of these Guidelines. The proposed development will contain an addition to the existing MOB headquarters, a new warehouse and a new office building. Access will be provided from both Blankenbaker Parkway and Blankenbaker Road. The truck loading and maneuvering will all take place in areas of the

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subject property that are near to where these operations take place now. MOB will also dedicate right of way to Blankenbaker Road as necessary; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 9-Bicycle, Pedestrian and Transit**. The proposed development complies with the intent and applicable Policies of this Guideline. The proposed development includes the addition of a pedestrian connection to the main entrance of the MOB headquarters building from Blankenbaker Parkway; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 10-Flooding and Stormwater** and **Guideline 11-Water Quality**. The proposed development complies with the intent and applicable Policies of these Guidelines. The proposed development will include significant open space and detention areas, and will use new features and existing downstream infrastructure to handle stormwater and to ensure water quality; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 12-Air Quality**. The proposed development complies with the intent and applicable Policies of this Guideline. The proposed development is an expansion of an existing business in an area already served by adequate roads with access to I-64. The proposal will allow for the use of existing infrastructure, reducing the impact of the project; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Guideline 13-Landscape Character**. The proposed development complies with the intent and applicable Policies of this Guideline. The proposed development includes significant LBA's and the Applicant will comply with screening and tree canopy requirements and will provide significant buffers along the residential property lines it shares with surrounding owners; and

**WHEREAS**, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; 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 Change in zoning from R-4 to PEC on approximately 4.46 acres on property described in the attached legal description, be **APPROVED**.

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**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioners White and Howard.**

**ABSTAINING: No one.**

**Waiver from 5.5.4.B.1 to reduce the required LBA from 50' to 15' and eliminate the 6' berm along the south property line.**

01:34:44 On a motion by Commissioner Tomes, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since a buffer, trees and screening will be provided; and

**WHEREAS**, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 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 air borne and water borne pollutants. A buffer, trees and screening will still be provided; and

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**WHEREAS**, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since a buffer, trees and screening will be provided; and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since a buffer, trees and screening will be provided; and

**WHEREAS**, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from 5.5.4.B.1 to reduce the required LBA from 50' to 15' and eliminate the 6' berm along the south property line.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioners White and Howard.**

**ABSTAINING: No one.**

**Detailed District Development Plan and Binding Elements for Metro Louisville portion of the site**

01:36:02 On a motion by Commissioner Tomes, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS**, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and

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the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

**WHEREAS**, the Commission further finds that there are no open space requirements with the current proposal; and

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

**WHEREAS**, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. The building will meet the setback requirements of the form district; and

**WHEREAS**, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City Jefferson town for review and approval dependent upon the jurisdiction for portions of the site; any changes/additions/alterations not so referred shall not be valid.
2. Signs shall be in accordance with Chapter 8. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. The sign shall not exceed 60 square feet in area per side and 6 feet in height. No sign shall have more than two sides.
3. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banner shall be permitted on the site.



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4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Develop Louisville Construction Permit Review, Transportation Planning Review and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. The Conditional Use Permit granted under case number 8499 shall be abandoned by the Board of Zoning Adjustment.
6. If a building permit, parking lot permit, or site disturbance permit is not issued within two years of the date of approval of the plan, the proposed expansion shall not be used in any manner unless a revised district development plan is approved or an extension is granted 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 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.

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9. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
10. No overnight idling of trucks shall be permitted on site.
- ~~11. Per the approved plan dated April 4, 2016 and Transportation Planning requirements and standards, the applicant shall provide the following: widen Blankenbaker Road to provide 24' of total pavement width (minimum 2 ft. widening) with 6 - 8 foot shoulders from Electron Drive to meet the 23' section just north of Shining Water Dr. Existing driveways affected by the improvements, shall be modified or restored as required. Full width pavement overlay is required for all areas of widening.~~
11. Per the approved plan dated April 4, 2016 and Transportation Planning requirements and standards, the applicant shall provide the following: a contribution of up to 13% of the construction costs (labor and materials) of improving Blankenbaker Road to provide 24' of total pavement width (minimum 1ft. widening) with 6-8 foot shoulders from Electron Drive to Plantside Drive. The contribution shall be made to Louisville Metro Public Works upon presentment of final costs incurred by Louisville Metro in the construction of the road improvements. There shall be no direct access from the subject property to Blankenbaker Road until the earlier of the above improvements being made or the granting of an encroachment permit by the appropriate permitting authority.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioners White and Howard.**

**ABSTAINING: No one.**

**Detailed District Development Plan and Binding Elements for portion of the site located in the City of Jeffersontown**

01:38:20 On a motion by Commissioner Tomes, seconded by Commissioner Peterson, the following resolution was adopted:

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**WHEREAS**, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS**, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

**WHEREAS**, the Commission further finds that there are no open space requirements with the current proposal; and

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

**WHEREAS**, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. The building will meet the setback requirements of the form district; and

**WHEREAS**, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Jeffersontown that the requested Detailed District Development Plan be **APPROVED**, subject to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City Jeffersontown for review and approval dependent upon the jurisdiction for portions of the site; any changes/additions/alterations not so referred shall not be valid.
2. Signs shall be in accordance with Chapter 8. The only permitted freestanding sign shall be a monument style sign, located as shown on the

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approved development plan/sign plan. The sign shall not exceed 60 square feet in area per side and 6 feet in height. No sign shall have more than two sides.

3. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banner shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Develop Louisville Construction Permit Review, Transportation Planning Review and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. The Conditional Use Permit granted under case number 8499 shall be abandoned by the Board of Zoning Adjustment.
6. If a building permit, parking lot permit, or site disturbance permit is not issued within two years of the date of approval of the plan, the proposed expansion shall not be used in any manner unless a revised district development plan is approved or an extension is granted 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

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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 façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
10. No overnight idling of trucks shall be permitted on site.
- ~~11. Per the approved plan dated April 4, 2016 and Transportation Planning requirements and standards, the applicant shall provide the following: widen Blankenbaker Road to provide 24' of total pavement width (minimum 2 ft. widening) with 6 - 8 foot shoulders from Electron Drive to meet the 23' section just north of Shining Water Dr. Existing driveways affected by the improvements, shall be modified or restored as required. Full width pavement overlay is required for all areas of widening.~~
11. Per the approved plan dated April 4, 2016 and Transportation Planning requirements and standards, the applicant shall provide the following: a contribution of up to 13% of the construction costs (labor and materials) of improving Blankenbaker Road to provide 24' of total pavement width (minimum 1ft. widening) with 6-8 foot shoulders from Electron Drive to Plantside Drive. The contribution shall be made to Louisville Metro Public Works upon presentment of final costs incurred by Louisville Metro in the construction of the road improvements. There shall be no direct access from the subject property to Blankenbaker Road until the earlier of the above improvements being made or the granting of an encroachment permit by the appropriate permitting authority.

**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioners White and Howard.**

**ABSTAINING: No one.**

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**Public Hearing**

**Case No. 9-58-89 / 15424 BE Citation**

**Property Address:** 9201 Blue Lick Road

**Case Manager:** John Carroll, Assistant County Attorney

**An audio/visual recording of the Land Development and Transportation Committee meeting 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.**

**Agency Testimony:**

01:40:03 John Carroll, Legal Counsel for the Planning Commission, introduced the case (see recording for detailed presentation.) He said that timing of the exterior landscaping along one of the roads had not yet been agreed upon (whether to do that before or after roadwork was done.)

01:41:43 Mike Wilcher, Planning Supervisor Mike Wilcher, Planning Supervisor with Planning & Design Zoning Enforcement, showed photos of the subject site and updated the Commission about progress on the site (see recording for detailed presentation and Power Point presentation.)

**The following spoke for the appellant:**

Mark Madison, Milestone Design Group, 108 Daventry Lane Suite 300, Louisville, KY 40223

**Summary of testimony for the appellant:**

01:44:06 Mark Madison, an applicant's representative, gave updates to work the appellant has done on the site.

Sprayed weed / grass killer on the graveled area twice

Added more gravel to the site

Has removed almost all of the requested items "except for a few items"

Has solicited bids to pave and stripe the front parking area

He said "there is no way" the paving/stripping will be done by June 2, 2016, although some paving has been done. He asked for an extension to November 1, 2016. He said there is "confusion" about what items are allowed to be stored on-site and whether or not a building is required, or if items can be stored outside.

01:48:48 Mr. Madison proposed that the applicant not store anything on-site that is not permitted under the current C-2 zoning, and would like some more

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time for the appellant to decide if he wants to come back to apply for a Conditional Use Permit.

01:51:22 Mr. Carroll asked that the appellant come back before the Planning Director or designee within 30 days with a detailed plan of action.

01:56:04 Commissioners Blake and Jarboe had some discussion and comments about the case and the site.

01:58:46 Emily Liu, Director of Louisville Metro Planning and Design Services, said the agreement on the approved plan is to remove all the storage by June 2nd, and to do the *interior* landscaping by June 2nd. She said there is nothing to prevent that.

01:59:29 Mr. Madison reiterated that his client would not be able to get all the paving work and tree plantings done by June 2.

**Discussion:**

02:01:26 Commissioners' discussion.

02:12:21 The Commission by general consensus agreed that the appellant will return on June 2, 2016 with as much work completed as possible; anything left to be done must be explained why.

**\*NOTE: NO VOTE was taken on this case. This was a status report/update only.**

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**Public Hearing**

**Case No. 15SUBDIV1015**

**Request:** Preliminary subdivision plan creating 241 buildable lots on 101.4 acres and a Floyds Fork DRO Plan

**Project Name:** Sutherland Pointe

**Location:** 15905 Aiken Road

**Owner:** William L. Rogers, Sr.  
Indianfields Farm, Inc.  
Sonyajean, Inc.  
1133 Ellison Avenue  
Louisville, KY 40204

**Applicant:** Redwood Acquisitions, LLC  
James Frey, Representative  
23775 Commerce Park Suite 7  
Beachwood, OH 44122

**Representatives:** William Bardenwerper  
Bardenwerper, Talbott & Roberts PLLC  
1000 North Hurstbourne Parkway 2<sup>nd</sup> Floor  
Louisville, KY 40223

Kathy Linares and David Mindel  
Mindel Scott & Associates  
5151 Jefferson Boulevard  
Louisville, KY 40219

**Jurisdiction:** Louisville Metro

**Council District:** 19 – Julie Denton

**Case Manager:** **Brian Davis, AICP, Planning Manager**

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



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part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**An audio/visual recording of the Land Development and Transportation Committee meeting 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.**

**Agency Testimony:**

02:16:47 Julia Williams presented the case on behalf of Brian Davis and showed a Power Point presentation (see staff report and recording for detailed presentation.) She handed out an e-mail to the Commissioners, with a proposed Condition of Approval highlighted on it, that was agreed to by the applicant and Transportation Planning staff.

02:22:34 Tammy Markert, Metro Transportation Planning, read a proposed Condition of Approval regarding the Aiken Road and Bush Farm Road intersection into the record, as follows:

17. Developer shall contribute \$240,000 to Public Works for a traffic signal and left turn lane at the intersection of Aiken Road and Bush Farm Road prior to issuance of the 60<sup>th</sup> building permit for the development. Construction plans for the design of intersection improvements and signal shall be required to be provided by the developer prior to the issuance of the Work Order for the first phase of the development. Metro Public Works has agreed as part of this condition of approval to request the SDC Oversight Committee to designate this intersection as a Road Project within Zone B so that any costs associated with signal improvements will be eligible for a SDC credit. Developer shall be limited to 120 building permits until the signalized intersection is operational.

02:24:36 The System Development Charge was explained and discussed by Ms. Markert and Commissioner Brown.

**The following spoke in favor of the proposal:**

William Bardenwerper, Bardenwerper, Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Kathy Linares and David Mindel, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

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Diane Zimmerman, 12803 High Meadow Pike, Prospect, KY 40059

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

02:28:01 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

02:39:41 Using the site plan, David Mindel discussed the steep (undevelopable) slopes, and buffer areas between the development and Floyds Fork. He also discussed the pump station and detention.

02:43:20 In response to a question from Commissioner Kirchdorfer, Mr. Mindel and Mr. Bardenwerper discussed average lot size and density.

**The following spoke in opposition to the proposal:**

Sarah Almy, 1611 Rosewood, Louisville, KY 40204

Wayne H. Hameloth, 2012 Forest Pointe Lane, Louisville, KY 40245

**Summary of testimony of those in opposition to the proposal:**

02:47:09 Sarah Almy said the staff report excluded several concerns raised by the opposition at the LD&T meeting, particularly buffering (especially along Aiken Road and the Floyds Fork stream); flooding, and stormwater/drainage.

02:52:20 Wayne Hameloth showed a Power Point presentation (see recording for detailed presentation.) He was especially concerned about historic and environmental preservation. He pointed out the setback/buffering requirements for the Floyds Fork corridor.

03:11:13 Commissioner Blake asked Mr. Hameloth about the "trade" on the lots with steep slopes.

03:16:00 Mr. Hameloth discussed the constraints inherent in developing land along Floyds Fork.

**The following spoke neither for nor against the proposal ("Other"):**

No one spoke.

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**Rebuttal:**

03:19:25 Mr. Bardenwerper, Ms. Linares, and Mr. Mindel presented the rebuttal. Points included:

The plan does meet LDC Guidelines, because these are guidelines, not specific regulations.

The plan decreases lot size and number

Ms. Linares and Mr. Mindel described in detailed how the plan was designed using the LDC; tree preservation; and wetlands use and preservation.

03:30:33 Ms. Linares read the LDC regulations into the record regarding the alternative to the 400-foot setback/buffer area (a 60-foot thickly planted buffer).

03:32:17 Mr. Bardenwerper offered to make the 60-foot, thickly-planted buffer an added Condition of Approval.

03:35:15 Mr. Mindel described negotiations conducted this week regarding the preservation of the Yeager House and land around it.

03:37:53 Questions asked by Commissioners (see recording for detailed discussion.) Topics included slopes, wetlands, open spaces, wooded areas, the Yeager House, and drainage issues.

03:47:22 Mr. Hameloth discussed water runoff, the location of the 20% slopes, and the wooded/not wooded areas. He requested greater preservation for the Yeager House, the cemetery, and the root cellar.

03:52:50 Mr. Mindel and Mr. Bardenwerper agreed to a new Condition of Approval on the Revised Plan stating that the road will be at least 10 feet from the edge of the springhouse.

03:53:25 Commissioner Brown asked Ms. Williams if the applicant would have to do a landscape plan showing the density of the plantings in the 60-foot buffer. Ms. Williams read a suggested Condition of Approval into the record, as follows:

Within the 60-foot Scenic Corridor buffer along Aiken Road, the applicant shall provide a staggered double row of native shrubs that reach a minimum of 6-foot height at maturity, with one of those rows being along the Aiken Road frontage, and one of the rows along the Scenic Corridor buffer closest to the home lots and the open space lots. The applicant will also provide a mix of Type A/B trees, the equivalent of one Type A/B tree

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per 20 feet, with a minimum of 10% evergreen; also, the equivalent of one Type C tree per 40 feet of roadway frontage, within that 60-foot Scenic Corridor buffer.

04:01:18 After some discussion, Mr. Bardenwerper said the applicant agreed to submit a landscape plan for review at a Committee of the Planning Commission (most likely the Development Review Committee).

**Deliberation:**

04:06:57 Commissioners' deliberation.

**Preliminary subdivision plan creating 241 buildable lots on 101.4 acres and a Floyds Fork DRO Plan**

04:17:59 On a motion by Commissioner Tomes, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that, based on the evidence, testimony, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; and that the plan complies with the intents of the Floyds Fork Development Overlay Review; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Preliminary Subdivision plan creating 241 buildable lots on 101.4 acres and a Floyds Fork DRO Plan, **ON CONDITION** that Note #20 on the Plan is removed; that the road is moved at least 10 feet away from the root cellar; and **SUBJECT** to the following Conditions of Approval:

**Conditions of Approval**

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree

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

3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All conditions of approval requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these conditions of approval to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

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- a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
  - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of TCPAs etc.) and other issues required by these conditions of approval.
  - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
7. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
  8. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
  9. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
  10. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
  11. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.

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12. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
13. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
14. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
15. Signature entrance/signage shall be limited to what is permitted within the Floyds Fork Overlay District as stated in Chapter 3 Part 1 of the Land Development Code.
16. The landscape plan shall be approved by a Committee of the Planning Commission prior to issuance of a site disturbance permit. *(Added at the May 19, 2016 Planning Commission hearing)*
17. Developer shall contribute \$240,000 to Public Works for a traffic signal and left turn lane at the intersection of Aiken Road and Bush Farm Road prior to issuance of the 60th building permit for the development. Construction plans for the design of intersection improvements and signal shall be required to be provided by the developer prior to the issuance of the Work Order for the first phase of the development. Metro Public Works has agreed as part of this condition of approval to request the SDC Oversight Committee to designate this intersection as a Road Project within Zone B so that any costs associated with signal improvements will be eligible for a SDC credit. Developer shall be limited to 120 building permits until the signalized intersection is operational. *(Added at the May 19, 2016 Planning Commission hearing)*

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**The vote was as follows:**

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

**NO: No one.**

**NOT PRESENT: Commissioners White and Howard.**

**ABSTAINING: No one.**



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**STANDING COMMITTEE REPORTS**

**Land Development and Transportation Committee**

No report given.

**Legal Review Committee**

No report given.

**Planning Committee**

No report given.

**Policy and Procedures Committee**

No report given

**Site Inspection Committee**

No report given.

**ADJOURNMENT**

The meeting adjourned at approximately 5:40 p.m.

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**Chairman**

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**Division Director**