

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
July 2, 2014**

A meeting of the Louisville Metro Planning Commission was held on Wednesday, July 2, 2014 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chair
David Proffitt, Vice Chair
Jeff Brown
David Tomes
Robert Kirchdorfer
Robert Peterson
Clifford Turner (arrived after minutes were voted on)

Commission members absent:

Vince Jarboe
Chip White
Carrie Butler

Staff Members present:

Emily Liu, Director, Planning & Design Services
John G. Carroll, Legal Counsel
Jonathan Baker, Legal Counsel
Julia Williams, Planner II
Jessica Wethington, Planning Information Specialist
David Wagner, Planner II
Steve Hendrix, Planning Supervisor
Jon Crumbie, Planner II
Tammy Markert, Transportation Planning
Chris Cestaro, Management Assistant (minutes)

Others:

Pat Barry, MSD

The following matters were considered:

**Planning Commission Minutes
July 2, 2014**

Approval of Minutes

June 19, 2014 – 1:00 p.m. Planning Commission Regular Meeting

On a motion by Commissioner Tomes, seconded by Commissioner Proffitt, the following resolution was adopted:

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on June 19, 2014.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Tomes, and Kirchdorfer

NO: No one.

NOT PRESENT: Commissioners Jarboe, White, Butler, and Turner.

ABSTAINING: Commissioner Peterson.

July 18, 2014 – 1:00 p.m. Development Review Committee Meeting

On a motion by Commissioner Kirchdorfer, seconded by Commissioner Tomes, the following resolution was adopted:

RESOLVED, that the voting members of the Development Review Committee do hereby **APPROVE** the minutes of its meeting conducted on July 18, 2014.

The vote was as follows:

YES: Commissioners Tomes, Brown, Kirchdorfer, and Blake.

NO: No one.

NOT PRESENT: Commissioners Jarboe, White, Butler, and Turner.

ABSTAINING: Commissioners Peterson and Proffitt.

Planning Commission Minutes
July 2, 2014

Business Session

Case No. 9-2-99BE

***NOTE: This case was heard at the end of the hearing.**

Request: Binding Element Violation – Final Order
Address: 4708 Shepherdsville Road

Case Manager: John Carroll, County Attorney's Office

Agency Testimony:

John Carroll presented the case and reviewed the items handed out to the Commissioners (on file.) Binding elements #2, #11, and #12 have been violated; despite repeated notifications and other attempts to have the owner remedy the violations, nothing has been done.

April Robbins, Code Enforcement Supervisor, discussed the violations in detail (established non-permitted uses on the site; inoperable and unlicensed vehicles being store on the site; parking vehicles illegally in the required landscape buffer areas as well as the vehicle holding area, which has been expanded beyond the approved boundaries; and required paving and striping of the property has not been done per the approved plan.) She also showed a Power Point presentation showing photos of the site and the violations, and distributed photos of the site to the Commissioners. She described the notifications sent to the property owner.

James Mullarkey, Code Enforcement Officer, described the inspections he had conducted on the property and their dates. He added that he had met and spoken with the property owner on the site twice, walked the property with him, and explained the violations to him. When the owner was not present, Mr. Mullarkey spoke with employees on the site during other site visits.

In response to a question from the Commissioners, Ms. Robbins said that the previous owner had also been sent binding element violation notices, but that those issues were resolved by that owner. The current owner has not rectified the violations.

In response to a question from Commissioner Proffitt, Mr. Carroll and Jonathan Baker, both with the County Attorney's Office, said that there was no notice required for today's hearing because the appellant did not request any hearing before the Commission. They discussed the process of a violation notice.

Property maintenance violations were also discussed.

Commissioner Proffitt made a motion to enter the Binding Element Violation final order.

**Planning Commission Minutes
July 2, 2014**

Business Session

Case No. 9-2-99BE

Before the vote was taken, Commissioner Peterson said he would be willing to reconsider the fine amount of the fine if proof could be submitted to the Commission that the property had been cleaned up and brought into compliance.

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

On a motion by Commissioner Proffitt, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **ORDER** that the Binding Element Citation issued to Omer Razic and Nihada Razic on February 11, 2014 is **UPHELD**, and that the fine paid should be \$95,000.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Tomes, Peterson, and Turner.

NO: No one.

NOT PRESENT: Commissioners Jarboe, White, and Butler.

ABSTAINING: Commissioner Kirchdorfer.

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14WAIVER1023

Project Name: F & Y, Inc.
Location: 3801 West Market Street

Owner/Applicant: F & Y Food Mart, Inc.
3801 West Market Street
Louisville, KY 40212

Representative: James L. Griffin
Evans/Griffin, Inc.
4010 Dupont Circle Suite 478
Louisville, KY 40207

Jurisdiction: Louisville Metro
Council District: 5 – Cheri Bryant Hamilton

Case Manager: **Jon E. Crumbie, Planner II**

Request:

Waiver to eliminate the required 3-foot street wall along West Market Street and 38th Street.

Agency Testimony:

Jon Crumbie presented the case (see staff report for detailed presentation.) He added that a West Market Street Corridor Improvement Plan also applies to this site.

The following spoke in favor of the proposal:

James L. Griffin, 4010 Dupont Circle Suite 478, Louisville, KY 40207

Summary of testimony of those in favor:

James L. Griffin, the applicant's representative, said the applicant is expanding the existing business (see applicant's justification for the waiver, on file.)

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

On a motion by Commissioner Proffitt, seconded by Commissioner Peterson, the following resolution was adopted:

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14WAIVER1023

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since sidewalk will be provided along 38th Street and will be maintained along West Market Street. There will be no sight triangle concerns; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020 since the required pedestrian access and ILA requirements on site will be met. Tree canopy requirements will be met; 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 to provide the required plantings along West Market Street and 38th Street; and

WHEREAS, the Commission further finds that the applicant has incorporated other design measures that exceed the minimums and compensate for non-compliance with the requirements to be waived by increasing the amount of ILA provided and adding a grass verge along 38th Street; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact 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 of Chapter 5.5.1.A.3.a. to omit the required 3-foot street wall along West Market Street and 28th Street.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Tomes, Kirchdorfer, Peterson, and Turner.

NO: No one.

NOT PRESENT: Commissioners Jarboe, White, and Butler.

ABSTAINING: No one.

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14CUP1016 & 14DEVPLAN1070

Project Name: Raw Material Storage Structure

Location: 15301 Dixie Highway

Owner/Applicant: Kosmos Cement Company
Ricardo Quiroga Morales, Representative
15301 Dixie Highway
Louisville, KY 40272

Representative: James D. Walker
Ackerson & Yann, PLLC
One Riverfront Plaza
401 West Main Street Suite 1200
Louisville, KY 40202

Engineer/Designer: Doug Ernst, P.E.
Milestone Design Group, Inc.
108 Daventry Lane Suite 300
Louisville, KY 40223

Jurisdiction: Louisville Metro

Council District: 14 – Cindi Fowlerl

Case Manager: Steve Hendrix, Planning Supervisor

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.)

Request:

Case No. 14CUP1016 – Modified Conditional Use Permit
Case No. 14DEVPLAN1070 – Revised Detailed District Development Plan
Sidewalk Waiver

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14CUP1016 & 14DEVPLAN1070

Agency Testimony:

Steve Hendrix presented the case and showed a Power Point presentation (on file; see staff report for detailed presentation.) He added that staff has received a letter from the Kentucky Resource Council stating that they have no objections (also on file.)

The following spoke in favor of the proposal:

Shannon Graves, representing CEMEX Kosmos Cement Company, 12309 Old Henry Road, Louisville, KY 40223

Tracey Walker, Ackerson & Yann, PLLC, One Riverfront Plaza, 401 West Main Street Suite 1200, Louisville, KY 40202

Gordon Ritchie, 15415 Dixie Highway, Louisville, KY 40272-1031

Summary of testimony of those in favor of the proposal:

Shannon Graves, an applicant's representative, gave details about the cement manufacturing process and the proposed structure. The amendment being sought today is to allow the clay used in the process to be covered and kept dry.

Gordon Ritchie, an adjoining property owner, spoke in support and added that a sidewalk would actually create a pedestrian and vehicular hazard.

The following spoke in opposition to the proposal:

No one spoke.

Rebuttal:

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

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

Conditional Use Permit

On a motion by Commissioner Proffitt, seconded by Commissioner Tomes, the following resolution was adopted:

Planning Commission Minutes
July 2, 2014

Public Hearing

Case No. 14CUP1016 & 14DEVPLAN1070

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets all applicable policies of the Comprehensive Plan such as the mitigating associated odor or emissions, traffic concerns, and waste management; and

WHEREAS, the Commission further finds that the proposal is compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc. The proposed structure will be approximately 32 feet high at its highest point, located behind the silos and other structures and will not be easily seen from Dixie Highway; and

WHEREAS, the Commission further finds that necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use. This is an addition to the existing cement plant; and

WHEREAS, the Commission further finds that the proposal complies with the following specific standards required to obtain the conditional use permit requested. Evidence has been taken to show the operation and associated nuisances will be properly managed and the public's health, safety and general welfare will be protected. This is a minor addition to the existing cement plant:

4.2.43 Potentially Hazardous or Nuisance Uses

The following uses (manufacture, processing, treatment, or storage unless otherwise specified), having accompanying hazards such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, or toxic gases may, if not in conflict with other laws or ordinances, be located in industrial zones as indicated below by Conditional Use Permit after the location and nature of such use shall have been approved by the Board of Zoning Adjustment. In reviewing an application for a CUP, the Board of Zoning Adjustment shall review the plan and statements of the applicant and the following:

A. The Comprehensive Plan;

B. Environmental and health related concerns raised by the operation and the applicant's proposal to mitigate any adverse effects to the public's health, safety and general welfare;

C. The applicant's site design, buffering, and security measures and their adequacy to mitigate any adverse effects to the public's health, safety and general welfare;

Planning Commission Minutes
July 2, 2014

Public Hearing

Case No. 14CUP1016 & 14DEVPLAN1070

D. Any other evidence submitted by the applicant and any other party addressing the issues.

A Conditional Use Permit under this section shall be issued only if the evidence shows the applicant's operation and associated nuisances will be properly managed and the public's health, safety and general welfare will be protected. The Board of Zoning Adjustment may impose additional conditions to protect surrounding properties. All Conditional Use Permits under this section shall be issued subject to the applicant also receiving all necessary permits from local, state and federal regulatory agencies.

EZ-1 and M-3

Aluminum powder

Brick, fireback, tile, clay products, including refractories: manufacturing, processing or treatment but not including storage

Cement, gypsum, lime, and plaster of paris (but not storage)

Charcoal, lampblack, carbon black, bone black, and fuel briquettes, including pulverizing

Chemicals, including acetylene, acids and derivatives, alcohol (industrial), ammonia, aniline dyes, carbide, caustic soda, cellulose and cellulose storage, chlorine, cleaning and polishing preparation (non-soap), dressings and blackings, creosote, dyestuffs, exterminating agents and poisons, hydrogen and oxygen, plastic

materials, and synthetic resins, potash, pyroxylin, tar products, turpentine and resin, and solvent-extracting

Coal, coke, or tar products including fuel gas, and coke-oven products

Distillation, manufacture, or refinement of coal, tar, asphalt, or asphalt products

Metal and metal ores, reduction, refining, smelting, alloying, including blast furnaces, cupolas, and blooming mills (but not storage of metal products)

Minerals and earths (including sand-lime products), grinding, crushing, processing or storage

Paint manufacture, processing, or treatment (but not storage)

Petroleum or petroleum products, refining, bulk storage, including gasoline or other petroleum products

Plastic, manufacture, processing, treatment, or bulk storage

Radioactive materials

Steel works and rolling mills (ferrous) for steel, structural iron and steel fabrication, and structural products, including bars, cables, girders, rails, wire rope, or similar products

Waste paper and rag operations

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14CUP1016 & 14DEVPLAN1070

Wood pulp or fiber, reduction or processing (including paper mill operations)

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact 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 Modified Conditional Use Permit for Case No. 14CUP1016 to allow construction of a raw material storage structure for clay, sand, and mill scale that are used in its manufacturing process.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Tomes, Kirchdorfer, Peterson, and Turner.

NO: No one.

NOT PRESENT: Commissioners Jarboe, White, and Butler.

ABSTAINING: No one.

Sidewalk Waiver

On a motion by Commissioner Proffitt, seconded by Commissioner Tomes, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjoining property owners. The nearest sidewalk to the north along the eastern side of Dixie Highway is approximately 2 miles away at Pendleton Road and none exists to the south to the county line; and

WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan and compliance with the Land Development Code is not appropriate, since the sidewalks would not provide any type of connection; and

WHEREAS, the Commission further finds that the requested waiver is the minimum necessary to afford relief to the applicant, since Kosmos has 1,547 feet of frontage along Dixie Highway; and

WHEREAS, the Commission further finds that the strict application of the provision of the regulations would create an unnecessary hardship on the

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14CUP1016 & 14DEVPLAN1070

applicant since there is an extensive amount of frontage along Dixie Highway and since the provision would provide no type of connection; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact 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 of Section 5.8.1.B. to not provide required sidewalks along Dixie Highway per Land Development Code

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Tomes, Kirchdorfer, Peterson, and Turner.

NO: No one.

NOT PRESENT: Commissioners Jarboe, White, and Butler.

ABSTAINING: No one.

Revised Detailed District Development Plan

On a motion by Commissioner Proffitt, seconded by Commissioner Tomes, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal takes place at an existing cement plant where the new structure will be more than 1,200 feet from Dixie Highway and behind several existing structures; and

WHEREAS, the Commission further finds that the applicant has met all provisions for safe and efficient vehicular and pedestrian transportation, since there will be no change to the traffic pattern; and

WHEREAS, the Commission further finds that there are no open space requirements for the subject site; and

WHEREAS, the Commission further finds that adequate drainage facilities exist on the subject site and have received preliminary approval by MSD; and

WHEREAS, the Commission further finds that the compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area has been

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14CUP1016 & 14DEVPLAN1070

met. As mentioned earlier, the new structures will be behind several existing buildings and more than 1,200 feet from Dixie Highway; and

WHEREAS, the Commission further finds that the plan and use of the site conform to the guidelines of the Comprehensive Plan where applicable, since the revisions will take place at the existing cement plant; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact 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 Revised Detailed District Development Plan for Case No. 14DEVPLAN1070, subject to the following Conditions of Approval:

Conditions of Approval

1. The site shall be used and developed in strict compliance with the approved development plan and the conditions of the conditional Use permit. No further development shall occur without prior review and approval of an amendment to the conditional use permit and or the development plan by the Planning Commission.
2. Modification of the conditional use permit shall not be necessary for the following activities:
 - (a) replacing or upgrading equipment not requiring expansion of existing buildings or new buildings and not increasing overall emissions from the plant;
 - (b) increasing production not requiring expansion of existing buildings or new buildings and not increasing overall emissions from the plant;
 - (c) changing raw materials or types of fuels (except for tire derived, refuse derived or hazardous waste derived fuels which shall require modification of the conditional use permit); and
 - (d) construction of additional internal roadways on the southeast side of Dixie Highway (the side where the plant is located).
3. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
4. Outdoor lighting shall be directed down and away from surrounding residential properties.

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14CUP1016 & 14DEVPLAN1070

5. Prior to any tree clearing or removal in the landscape buffer areas, within 150 feet of the Ohio River, or elsewhere on the conditional use permit site (if more than 112 acre), review and approval of the Planning Commission staff landscape architect shall be required. Any such tree clearing or removal shall be reviewed for consistency with the Ohio River Corridor Master Plan.

6. The owner/developer shall obtain approval of the Planning Commission staff landscape architect of a detailed screening/buffering/ landscaping plan as described in Article 12 of the zoning regulations for the landscape buffer areas shown on the approved development plan. The screening/buffering landscaping plan shall be submitted within 120 days after final approval of the zoning changes by the Jefferson County Fiscal Court. The screening, buffering and landscaping shall be constructed in accordance with the schedules to be shown on the plan and maintained thereafter.

7. The general purposes of the River Corridor Connection (the Connection) as shown on the development plan are to create permanent open spaces along Pond Creek and to provide a land area for a portion of the Ohio River Corridor Trail envisioned by the Ohio River Corridor Master Plan.
The location of the scenic easements (the Easements) shown on the Connection plan are conceptual. The final location of the easements will be established by subsequent agreement of the owner/developer, the Planning Commission, River Fields, Inc. and Jefferson County.
The Owner/developer will then dedicate the Easements in accordance with applicable Kentucky statutes. Other details to accomplish the purposes of the Connection, including without limitation the types, character and location of facilities, construction costs, maintenance and insurance, will also be established by subsequent agreement of the same parties.

8. The developer shall at all times maintain valid and current air emission permits from the Louisville Metro Air Pollution Control District and operate in accordance with such permits, and shall maintain all required pollution control and emissions monitoring equipment in proper working order.

9. Any lease to an outside party of property owned by the developer on the southeast side of Dixie Highway for mining of sand, gravel, clay or other minerals, whether such property is within or without the area of the conditional use permit, shall require modification of the conditional use permit or a new conditional use permit depending on where the property is located.

Planning Commission Minutes
July 2, 2014

Public Hearing

Case No. 14CUP1016 & 14DEVPLAN1070

10. The developer will maintain a program to assure prompt and effective reporting of and response to any reportable releases from the facility; including timely notification and filing of release reports consistent with applicable federal, state and local rules and regulations. Copies of all such reports shall be filed at the Southwest Regional Library.

11. The landscaping plan included in the approved plan is conceptual. The developer will prepare a separate detailed landscaping plan which incorporates these concepts and any provisions required by MSD with respect to Alternative #1 coordinate same with River Fields, Inc., the Concerned Citizens Coalition and for Alternative #1 with MSD, and file same with the Planning Commission no later than August 1, 1999. Alternative #1 as shown on the plan will require approval by MSD. If the plan with Alternative #1 is approved by MSD and the Planning Commission staff landscape architect before the end of the season as determined by the Planning Commission staff landscape architect, the developer will implement Alternative #1 in the fall of 1999. If that time frame cannot be met but Alternative #1 is approved later, it will be implemented in the spring of 2000. If Alternative #1 is not approved, Alternative #2 will be implemented in the spring of 2000. The remaining landscaping to the south and west of the new cement storage dome shall be installed in the spring of 2000.

12. The Woodland Protection Areas (WPAs) shown on the approved plan are conceptual. The developer will prepare dimensional plans (with all necessary bearings and distances) establishing the WPAs in the field and submit that plan no later than August 15, 1999 to the Planning Commission, River Fields, Inc., and the Kentucky Resources Council, Inc., for review. The developer and the Planning Commission, River Fields, Inc., and the Kentucky Resources Council, Inc, will then coordinate the final terms of the WPAs and the deeds of restriction in accordance with existing Planning Commission policy.

13. The WPA line will be 50 feet north of the new belt conveyor and gallery and the intersection of that line with the north-south WPA line may change. Any modification of the WPAs shall require six weeks advance written notice to River Fields, Inc., the Kentucky Resources Council and the Concerned Citizens Coalition and LD&T action. (The applicant has advised these groups and the Planning Commission staff that it may soon file a revised plan and modification of the WPAs for installation of a new fly ash system on the River with a pneumatic tube from the River to the plant.)

14. A minor subdivision plat shall be recorded creating the lot as shown on the District Development Plan. A copy of the recorded instrument must be provided to Planning Commission staff prior to transmittal to the building department.

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14CUP1016 & 14DEVPLAN1070

15. Kosmos or its successor-in-interest shall assume responsibility for assuring that any contractor, subcontractor, or other entity constructing or operating the manufactured gypsum facility to be located on the Kosmos property shall at all times comply with federal, state and local environmental, public health and public safety and zoning ordinances, including all previous conditions imposed on this property through the development plan and conditional use permit.

16. Final completion and execution of a Conservation Easement to River Fields, Inc., in a form mutually acceptable to all parties to the agreement, of an area of approximately 46.8 acres (the exact acreage is to be determined in accordance with a survey of the easement area), which includes two access strips, an area which may be used in the future for parking, and land along Pond Creek (similar to the conceptual "River Corridor Connection Plan" by DEI revised 7/19/99), shall occur within eighteen months of the date of this approval and as further specified in the Letter of Agreement referenced and attached herein.

17. Future development within the conservation easement area will be limited to a parking lot, access road to the parking area, fence between the easement and the rest of the Kosmos property, public access walking and hiking trails, pedestrian bridges, small signs, and other facilities for pedestrian enjoyment similar to those envisioned by the 1998 Kosmos Greenway Conceptual Master Plan. Construction cost obligations for these facilities are set forth in the attached Letter of Agreement.

18. Written notice of any request for an amendment to these conditions, the conditional use permit, and/or the development plan shall be given to River Fields, Inc., the Concerned Citizens Coalition, the Southwest Community Neighborhood Association, and the Kentucky Resources Council, Inc., at least six weeks before the request is filed with the Planning Commission. Any such amendments shall be submitted to the Planning Commission, not the Board of Zoning Adjustment.

(This item replaces Condition #2 in the Planning Commission minutes of January 2, 1997).

19. Kosmos Cement Company (owner of residual tract) shall provide vehicular and pedestrian access to and from Tract I by perpetual easement over and across the residual tract for as long as Tract 1 remains a separate tract.

20. The applicant shall provide minor plat approval from Public Works, MSD and Pleasure Ridge Park Fire Department.

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14CUP1016 & 14DEVPLAN1070

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

NO: No one.

NOT PRESENT: Commissioners Jarboe, White, and Butler.

ABSTAINING: No one.

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14DEVPLAN1053

Project Name: 4950 & 4924 Cane Run Road

Location: 4950 & 4924 Cane Run Road

Owner: Walgreens Co.
Richard N. Steiner, Representative
P.O. Box 1159
Deerfield, Illinois 60015

Applicant: Hogan Real Estate
Mike Leonard, Representative
420 West Liberty Street
Louisville, KY 40202

Representatives: William Bardenwerper
Bardenwerper Talbott & Roberts
1000 North Hurstbourne Parkway Suite 200
Louisville, KY 40223

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

Jurisdiction: Louisville Metro

Council District: 1 – Attica Scott

Case Manager: **David B. Wagner, 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.)

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14DEVPLAN1053

Request:

Revised Detailed District Development Plan, Binding Elements, and Waivers

Agency Testimony:

David Wagner presented the case and showed a Power Point presentation (on file; see staff report for detailed presentation.)

The following spoke in favor of the proposal:

William Bardenwerper, Bardenwerper Talbott & Roberts, 1000 North Hurstbourne Parkway Suite 200, Louisville, KY 40223

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

Mike Leonard, 9300 Shelbyville Road Suite 1300, Louisville, KY 40222

Summary of testimony of those in favor:

William Bardenwerper presented the case and showed a Power Point presentation (see applicant's booklet and justification for detailed presentation, on file.) He added that there is no longer a market for condominium and patio home projects (previously approved for this site) but there is a market for apartment units.

Kevin Young reviewed the development plan and discussed the waiver requests. He pointed out the location of a traffic signal which was installed as part of the originally approved project.

Mr. Bardenwerper discussed the proposed findings of fact and reviewed those on pages 20-21 of the applicant's booklet.

In response to a question from Commissioner Brown, Mr. Young said bike racks will be provided.

The following spoke in opposition to the proposal:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

Rebuttal:

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

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14DEVPLAN1053

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

Waivers

On a motion by Commissioner Peterson, seconded by Commissioner Turner, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver requests will not adversely affect adjacent property owners because the adjoining property is a floodwall owned and maintained by Louisville Metro and there is only a small portion along Cane Run Road; and

WHEREAS, the Commission further finds that the waivers will not violate the Comprehensive Plan and compliance with the regulation is not appropriate due to the fact that the adjoining properties are used as a floodwall or a public street. The development is proposed to be setback far from adjoining property owners that could potentially be affected; and

WHEREAS, the Commission further finds that the extent of waivers of the regulation is the minimum necessary to afford relief to the applicant because the floodwall already functions as a buffer between the proposal and adjoining properties and moving the buffer areas to be outside of the floodwall easement would significantly decrease the buildable area; and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the floodwall already functions as a buffer between the proposal and adjoining properties and moving the buffer areas to be outside of the floodwall easement would significantly decrease the buildable area; and

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

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14DEVPLAN1053

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from Section 10.2.4.B of the Land Development Code to allow the Landscape Buffer Area (LBA) and Parkway Buffer Area to encroach more than 50% into utility easements along the southwest and south property lines of Tract 1.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Tomes, Kirchdorfer, Peterson, and Turner.

NO: No one.

NOT PRESENT: Commissioners Jarboe, White, and Butler.

ABSTAINING: No one.

Revised Detailed District Development Plan and Binding Elements

On a motion by Commissioner Peterson, seconded by Commissioner Turner, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal conserves the floodwall berm that currently exists on the site and adds detention basins. The applicant will have to obtain approval of a revised landscape plan as well which will explain how trees will be replaced on the site; and

WHEREAS, the Commission further finds that safe and efficient vehicular and pedestrian transportation be provided by the addition of sidewalk connections from the right-of-way to the development and internally throughout the site. Appropriate vehicular access is provided as well; and

WHEREAS, the Commission further finds that adequate open space is provided for this proposal; and

WHEREAS, the Commission further finds that MSD has approved the drainage facilities for the site; and

WHEREAS, the Commission further finds that the proposal is compatible with the surrounding area as it will be developed as multi-family residential and an office which was approved by the Planning Commission. The surrounding area is developed for residential uses as well; and

Planning Commission Minutes
July 2, 2014

Public Hearing

Case No. 14DEVPLAN1053

WHEREAS, the Commission further finds that the proposal conforms to the Comprehensive Plan and Land Development Code as it will be developed as multi-family residential and an office which was approved by the Planning Commission. The surrounding area is developed for residential uses as well. The Waiver request will not adversely affect any adjoining property owner; and

WHEREAS, the Commission further finds that the RDDDP for apartments in place of patio home-style condominiums at this location remains in continued compliance with the Suburban Neighborhood Form District Guideline 1, which contemplates a variety of low to high density residential communities, not just one form of residential development; and

WHEREAS, the Commission further finds that the RDDDP maintains a mixed use development at this overall site, which is part of an activity center that includes a Walgreens store and other nearby retail, in continued compliance with Centers Guideline 2; and

WHEREAS, the Commission further finds that the change from proposed patio home condominiums to 2-story apartment buildings, although involving increased height and number of units, still maintains the residential community in the medium density range within the limits of the R-5A zoning district, thus in continued compliance with Compatibility Guideline 3; and

WHEREAS, the Commission further finds that the style and design of proposed apartment buildings are in keeping with current-day residential styles and designs evident within new residential communities in the area and around Metro Louisville, thus also in continued compliance with Compatibility Guideline 3; and

WHEREAS, the Commission further finds that, located as this residential community is at Greenbelt Highway, Terry Road and Cane Run Road, good road access with adequate road capacity continues to exist, such that the RDDDP is in continued compliance with Traffic Circulation and Transportation Facilities Guidelines 7 & 8; and

WHEREAS, the Commission further finds that, by maintaining safe internal circulation, connectivity, and sidewalks and accommodations for bicycles, the RDDDP also assures continued compliance with Circulation, Bicycle and Pedestrian Guidelines 7 & 9; and

WHEREAS, the Commission further finds that, by maintaining open space and good internal perimeter screening and buffering the RDDDP assures

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14DEVPLAN1053

continued Compliance with Open Space and Landscaping Guidelines 4 & 13; and

WHEREAS, the Commission further finds that, by including provisions for onsite detention and a commitment to comply with all required soil erosion and sedimentation plus any water quality regulations at time of construction plan approval, the RDDDP assures continued compliance with Storm Water Management and Water Quality Guidelines 10 & 11; and

WHEREAS, the Commission further finds that, by providing needed new multi-family units, the RDDDP assures continued compliance with Economic Growth and Sustainability Guideline 6; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact 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 Revised Detailed District Development Plan, subject to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain-in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or demolition permit) is requested:

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14DEVPLAN1053

- a. The development plan must receive full construction approval from Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/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.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements.. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
 6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 2, 2014 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Tomes, Kirchdorfer, Peterson, and Turner.

NO: No one.

NOT PRESENT: Commissioners Jarboe, White, and Butler.

ABSTAINING: No one.

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14DEVPLAN1069

Project Name: Kenwood Business Center Lot 2

Location: 7001 Southside Drive

Owner/Applicant: Kenwood Business Center LLC
Jeff Robinson, Representative
4852 Crittenden Drive
Louisville, KY 40209

Representatives: Steve Scott & Todd Lanning
Mindel Scott & Associates
5151 Jefferson Boulevard
Louisville, KY 40219

Jurisdiction: Louisville Metro

Council District: 13 – Vicki Aubrey Welch

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

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.)

Request:

Revised District Development Plan

Agency Testimony:

Julia Williams presented the case (see staff report for detailed presentation.)

The following spoke in favor of the proposal:

Steve Scott & Todd Lanning, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in favor:

Steve Scott, the applicant's representative, introduced himself and said he was available for questions.

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14DEVPLAN1069

The following spoke in opposition to the proposal:

No one spoke.

The following spoke neither for nor against the proposal:

Tommy A. Lago, 448 Roberts Avenue, Louisville, KY 40214

Summary of testimony of those neither for nor against the proposal:

Tom Lago said lighting, vehicular/truck noise, and truck traffic are his primary concerns. He said the privacy fence installed for the first building is inadequate, and traffic is exiting onto Southside Drive, not using National Turnpike.

In response to a question from Commissioner Tomes, Ms. Williams said that the revised plan would not really change the circumstances that were causing concern to Mr. Lago. She said that, since lighting and noise were not discussed for the previous plan, it is unlikely that any binding elements have been added to address these. She discussed lighting trespass as it is addressed in the Land Development Code.

In response to a question from Commissioner Proffitt, Mr. Lago said he had contacted the developer regarding his concerns; they said they would look into it. The problem is the lights on the buildings that are directed directly onto Roberts Avenue.

In response to a question from Commissioner Turner, Mr. Lago discussed some aspects of Southside Drive traffic.

Todd Lanning responded to a question from Commissioner Blake and said he had discussed these issues with Mr. Lago before this case was heard today. He said it was the first time he had heard about these concerns. He said he would address the lighting and privacy fence issues with the developer.

Steve Scott answered questions from the Commissioners about traffic patterns onto National Turnpike and Southside Drive.

Mr. Lago discussed access from the parking lot and said there does not appear to be any exit onto National Turnpike, but only onto Southside Drive. Commissioner Proffitt said the development plan appears to show only a gravel drive onto National Turnpike, not a paved road. Mr. Scott said that a 30-foot wide paved road is proposed for this location.

In response to a question from Commissioner Proffitt, Ms. Williams said that binding element #2 will be reduced to 154,000 square feet.

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14DEVPLAN1069

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

On a motion by Commissioner Proffitt, seconded by Commissioner Tomes, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the site is preserving existing vegetation instead of providing a 6 foot berm and is also preserving the drive-in theatres existing historic sign; and

WHEREAS, the Commission further finds that the provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community have been met. The site is providing for all types of transportation throughout the site; and

WHEREAS, the Commission further finds that open areas on the site are mainly to provide for buffers and existing trees and vegetation; and

WHEREAS, the Commission further finds that MSD has preliminarily approved the proposal; and

WHEREAS, the Commission further finds that the site is compatible with the adjacent lots as the site is providing all required buffers and is preserving existing trees on the site; and

WHEREAS, the Commission further finds that the development plan conforms with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact 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 Revised Detailed District Development Plan, **SUBJECT** to the

Planning Commission Minutes
July 2, 2014

Public Hearing

Case No. 14DEVPLAN1069

following binding elements, and **ON CONDITION** that binding element #2 be changed to reflect the reduction in square footage:

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 ~~460,542~~ **154,500** 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to

Planning Commission Minutes
July 2, 2014

Public Hearing

Case No. 14DEVPLAN1069

- requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - f. 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. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit , a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
 7. 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.
 8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 9. 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.
 10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 16, 2014 Planning Commission meeting.

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14DEVPLAN1069

11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

12. The historic sign shall be relocated within sight of Southside Drive to maintain the historic relationship to the road. In the event that a suitable location is not available at such time that the sign would be moved, property owner shall contact the Metro Historic Preservation Officer to find an appropriate site for relocation of the historic sign.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Tomes, Kirchdorfer, Peterson, and Turner.

NO: No one.

NOT PRESENT: Commissioners Jarboe, White, and Butler.

ABSTAINING: No one.

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14ZONE1024

***NOTE: Commissioner Kirchdorfer recused himself from hearing or voting on this case.**

Project Name: Vault 1031

Location: 1031 South 6th Street

Owner/Applicant: Nancy Cogan
1031 South 6th Street
Louisville, KY 40203

Representative: Cliff Ashburner
Wyatt Tarrant and Combs LLP
500 West Jefferson Street Suite 2700
Louisville, KY 40202

Engineer/Designer: Mark Madison
Milestone Design Group, Inc.
108 Daventry Lane Suite 300
Louisville, KY 40223

Jurisdiction: Louisville Metro

Council District: 6 – David James

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

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

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

Request:
TNZD Map Amendment

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14ZONE1024

Agency Testimony:

Julia Williams presented the case and showed a Power Point presentation (see staff report for detailed presentation.)

The following spoke in favor of the proposal:

Cliff Ashburner, Wyatt Tarrant and Combs LLP, 500 West Jefferson Street Suite 2800, Louisville, KY 40202

Nancy Cogan, 1031 South 6th Street, Louisville, KY 40208

Roberto Bajandas, 1412 South 6th Street, Louisville, KY 40208

Summary of testimony of those in favor:

Cliff Ashburner, the applicant's representative, presented the proposal and showed a Power Point presentation (see applicant's booklet, on file.) He emphasized that this is not a residential structure and has never been used as a residence, and added that the TNZD form district designation created a lot of non-conforming uses in this area. There is no planned expansion or change to the existing structure.

Nancy Cogan, the applicant, gave a brief history of the site and the proposal.

Roberto Bajandas, representing the Old Louisville Neighborhood Council, spoke in support (a letter of support from the Council is on file.)

In response to questions from Commissioners, Mr. Ashburner said the building is about 9,000 square feet with a projected theater occupancy of about 120. Under the TNZD regulation, change in institutional uses do not require off-street parking, so on-street parking will be used.

In response to a question from Commissioner Turner, Mr. Ashburner said no historic tax credits have been sought for renovations.

The following spoke in opposition to the proposal:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14ZONE1024

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

TNZD Map Amendment

On a motion by Commissioner Proffitt, seconded by Commissioner Turner, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the Traditional Neighborhood Form District, in which this site is located, is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings; and

WHEREAS, the Commission further finds that Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces; and

WHEREAS, the Commission further finds that the proposal meets the comprehensive plan for a map amendment in the TNZD. Since there is no new construction the proposal is in keeping with the traditional pattern of development in the area. The use proposals are also in keeping with the urban residential character of the area. The District Plan was not initially mapped for this particular

**Planning Commission Minutes
July 2, 2014**

Public Hearing

Case No. 14ZONE1024

use and was also not mapped for the existing non-residential status for the site. The proposal adjusts the map to allow for the historical non-residential use of the site; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact 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 TNZD Map Amendment for property located on the attached legal description to change the site from a single/two family mapped use to an institutional use, **SUBJECT** to the following Conditions of Approval:

1. The hours of operation shall be from 8:00 a.m. to 10:00 p.m., 7 days a week, with the exception of the art studio (See condition of approval **#6** below).
2. There shall be no exterior lighting.
3. There shall be no outdoor display, sales or storage.
4. The sign for the business shall be in accordance with the Land Development Code.
5. There shall be no power equipment stored outdoors or used outdoors before 8:00 a.m. or after 10:00 p.m.
6. The art studio shall be open 7 days a week with no time limitations but only for work that is done inside the building.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Tomes, Peterson, and Turner.

NO: No one.

NOT PRESENT: Commissioners Jarboe, White, Butler, and Kirchdorfer.

ABSTAINING: No one.

**Planning Commission Minutes
July 2, 2014**

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 3:35 p.m.



Chairman



Division Director

