

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION MEETING
February 6, 2020**

A meeting of the Louisville Metro Planning Commission was held on Thursday, February 6, 2020 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

Vince Jarboe, Chair
Marilyn Lewis, Vice Chair
Robert Peterson
Lula Howard
Rich Carlson
Ruth Daniels
Jeff Brown
David Tomes
Jim Mims

Commissioners absent:

No one

Staff members present:

Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Cynthia Elmore, Planning & Design Supervisor
Dante St. Germain, Planner II
Joel Dock, Planner II
John Carroll, Legal Counsel
Travis Fiechter, Legal Counsel, arrived approx. 4:00 p.m.
Beth Stuber, Transportation Planning
Tony Kelly, MSD
Chris Cestaro, Management Assistant

The following matters were considered:

PLANNING COMMISSION MINUTES
February 6, 2020

APPROVAL OF MINUTES

Approval of the Minutes for the January 23, 2020 Planning Commission Annual Meeting 1:00 p.m.

00:03:11 John Carroll noted Paul Whitty should be omitted from the Minutes.

00:03:30 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the Planning Commission Annual Meeting conducted on January 23, 2020.

The vote was as follows:

YES: Commissioners Howard, Peterson, Brown, Carlson, Lewis, and Jarboe
NOT PRESENT: Commissioners Daniels, Mims, and Tomes.

Approval of the Minutes for the January 23, 2020 Planning Commission regular public hearing at 1:00 p.m.

00:04:35 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the hearing conducted on January 23, 2020.

The vote was as follows:

YES: Commissioners Howard, Peterson, Brown, Carlson, Lewis, and Jarboe.
NOT PRESENT: Commissioners Daniels, Mims, and Tomes.

PLANNING COMMISSION MINUTES
February 6, 2020

CONSENT AGENDA

Massie Avenue Wrecking Request

Request:	Request to Waive Two Year Deed Restriction
Project Name:	Fairview Avenue Townhomes
Location:	3930, 3934 & 3936 Massie Avenue
Owner:	WHWJR LLC
Applicant:	WHWJR LLC
Representative:	WHWJR LLC
Jurisdiction:	St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Cynthia Elmore, Planning & Design Supervisor

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (The 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 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.

00:05:27 Cynthia Elmore, Preservation Officer for Planning and Design, presented the case via Power Point slide show (see recording for detailed presentation). Ms. Elmore noted the request to waive the 2-Year Deed Restriction (per the Wrecking Ordinance subsection 150.110) on three properties in the order to proceed with demolition.

00:09:14 Commissioner Carlson asked since the rezoning has been approved will the community benefit from the redevelopment. Cynthia Elmore noted the minutes from case 18ZONE1006 the Planning Commission did find the property for multi-family would be a community benefit for the area.

00:10:00 Commissioner Brown asked if the applicant applied for a building permit this site would follow a different process. Cynthia Elmore detailed the St. Matthews process for this site (see recording for detailed presentation).

00:11:22 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on evidence and testimony heard today, was adopted:

PLANNING COMMISSION MINUTES
February 6, 2020

CONSENT AGENDA

Massie Avenue Wrecking Request

RESOLVED, The Louisville Metro Planning Commission does hereby **APPROVE** the Consent Agenda item as the waiver for demolition is warranted action for Case No. 18ZONE1006.

The vote was as follows:

YES: Commissioners Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, Jarboe, and Tomes

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0079

Request: Change in zoning from R-4 to R-5A, with Conditional Use Permit and Detailed District Development Plan and Binding Elements – Request Continuance to 02/20/2020

Project Name: Freedom Senior Center

Location: 5101 Bardstown Road

Owner: Sanvi Realty LLC

Applicant: Sanvi Realty LLC

Representative: Miller Wihry

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

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

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

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

Agency Testimony:

00:12:50 Dante St. Germain presented the case and noted that this case will need to be continued due to a problem with the legal ad (see recording for detailed presentation.) The case will be **continued to the February 20, 2020** Planning Commission public hearing to give time to run the ad.

The following spoke in support of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

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.

**PLANNING COMMISSION MINUTES
February 6, 2020**

PUBLIC HEARING

CASE NO. 19-ZONE-0079

00:13:24 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, THE Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **February 20, 2020 Planning Commission public hearing**.

The vote was as follows:

YES: Commissioners Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, Jarboe, and Tomes

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0044

Request: Change in zoning from R-4 to PEC, with Detailed District Development Plan and Binding Elements, and associated landscape Waiver

Project Name: Powerscreen Crushing and Screening

Location: 13207 Rehl Road

Owner: Thomas & Rebecca Garrity

Applicant: Powerscreen Crushing and Screening

Representative: Dinsmore & Shohl LLC

Jurisdiction: Louisville Metro

Council District: 20 – Stuart Benson

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

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

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

Agency Testimony:

00:25:01 Dante St. Germain presented the case via Power Point slide show (see recording for detailed presentation.) Ms. St. Germain noted the waiver, Case No. 19-WAIVER-0070, to reduce the required property perimeter LBA to 35' with a planting density of 1.5. Dante presented a paper copy of the applicant's proposed Binding Elements, 6 and 7, to the commissioners. She stated staff supports the Binding Elements as written in the Staff Report, not the applicant's.

00:33:13 Commissioner Brown asked if the waiver with the additional plantings would it help mitigate the reduction of 50 to 35 feet? Dante St. Germain detailed the outdoor storage area, electrical easement, and waiver area. Commissioner Brown and Dante St. Germain discussed re-application process of the waiver in the future (see recording for detailed presentation).

00:24:29 John Carroll, Legal Counsel, and Dante St. Germain discussed binding element number 6 (see recording for detailed presentation).

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0044

The following spoke in support of this request:

Cliff Ashburner, 101 South 5th Street, Suite, 2500, Louisville, Kentucky, 40202
Steve Porter, 2406 Tucker Station Road, Louisville, Kentucky, 40299
Mark Madison, 108 Daventry Lane, Louisville, Kentucky, 40223

Summary of testimony of those in support:

00:35:27 Cliff Ashburner, speaking on behalf of the applicant, presented a Power Point slide show (see recording for detailed presentation). Mr. Ashburner noted the Binding Elements presented to Commissioners today was created by applicant and the Tucker Station Neighborhood Association. He detailed the access from Rehl Road, site photos, the LG&E utility easement, proposed plan, proposed binding element number 5, traffic level, and operations on site.

00:48:53 Steve Porter stated they have worked with the applicant's representative for the proposed Binding Elements. Mr. Porter detailed the proposed binding elements. He noted there will be no stone crushing on this property. Steve Porter stated he supports the rezoning. He discussed future access to Plantside Drive (see recording for detailed presentation).

00:58:42 Commissioner Brown asked Cliff Ashburner if conditions can be applied regarding sidewalks for the future connection to Plantside Drive. Cliff Ashburner agreed, if they have access to a public right-of-way.

00:59:24 Commissioner Mims and Cliff Ashburner discussed the future access to Plantside Drive and operations of the proposed development (see recording for detailed presentation).

01:03:55 Commissioner Jarboe asked for the proposed entrance for future development on Tract 2 of this site. Cliff Ashburner detailed the entrance via Power Point slide (see recording for detailed presentation). Commissioner Jarboe and Cliff Ashburner discussed the proposed binding elements and the Plantside Drive easement (see recording for detailed presentation).

01:06:10 Commissioner Mims asked if this section of Plan Side Drive is part of the Urton Corridor. Cliff Ashburner replied yes. Commissioner Brown and Commissioner Mims discussed the Urton Corridor (see recording for detailed presentation).

01:08:29 Commissioner Carlson and Cliff Ashburner discussed the PEC zoning of the site (see recording for detailed presentation).

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0044

01:09:14 Commissioner Lewis asked for clarification of the waiver for the landscape buffer area. Cliff Ashburner detailed the landscape buffer area via Power Point slide (see recording for detailed presentation).

01:11:16 Commissioner Brown and Cliff Ashburner discussed the sanitary sewer easement and the retaining wall (see recording for detailed presentation).

01:12:54 Dante St. Germain discussed binding element number 7 (see recording for detailed presentation).

01:14:05 Commissioner Howard and Dante St. Germain discussed the requirements for change of use on this site and binding element number 4 (see recording for detailed presentation).

The following spoke in neither for nor against to this request:

John Talbott, 1000 North Hurstbourne Parkway, Louisville, Kentucky, 40223

Greg Oakley 13307 Magisterial Drive, Louisville, Kentucky, 40223

Summary of testimony of those neither for nor against:

01:16:22 John Talbott, representing Host, presented a Power Point slide show (see recording for detailed presentation). Mr. Talbott detailed the zoning map and business within Blankenbaker Station II business park. He stated their requests for this site to Commissioners (see recording for detailed presentation). John Talbott noted the design of this property doesn't match the design of other business along Plantside Drive.

01:30:56 Greg Oakley, Host, stated concerns with the design of the property, setbacks, retaining walls, little green space, access issues (see recording for detailed presentation). He detailed the extension of Plantside Drive requirements (see recording for detailed presentation). Mr. Oakley noted he would like the applicant to share the costs of Plantside Drive for access.

The following spoke in opposition to this request:

John Hays, 12905 Rehl Road, Louisville, Kentucky, 40299

Summary of testimony of those in opposition:

01:35:57 John Hays stated concerns with heavy truck traffic on Rehl Road. There is pedestrian, bike, and school bus traffic along and heavy trucks would make the road

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0044

unsafe. He noted if the waivers for landscaping are allowed the site will not be consistent with other designs in the area and it would devalue nearby homes.

01:39:41 Commissioner Tomes and John Talbott discussed requirements and rules for the Blankenbaker Station II Association (see recording for detailed presentation). John Talbott stated the main issue is the cost of extending Plantside Drive. Commissioner Brown and John Talbott discussed if compromises can be made for this issue (see recording for detailed presentation).

01:42:58 Commissioner Lewis asked for clarification regarding fees from the Blankenbaker Station II Association. John Talbott detailed the Association fee (see recording for detailed presentation).

01:43:20 Commissioner Jarboe and Greg Oakley discussed the development of Lot 23 and it's connection to Plantside Drive, a site located off of Rehl Road, and the extension of Plantside Drive (see recording for detailed presentation).

Rebuttal:

01:48:15 Cliff Ashburner address the issues presented by the opposition and those neither for nor against (see recording for detailed presentation). Mr. Ashburner noted there is no 50 foot retaining wall on their property and is not related to the zoning approval.

01:50:49 Commissioner Peterson asked for an estimate of the extension of Plantside Drive vs the connection to Rehl Road. Cliff Ashburner noted the construction costs and the requirements of Blankenbaker Station II Association (see recording for detailed presentation). They discussed the next two year period for this site (see recording for detailed presentation).

01:52:50 Commissioner Carlson noted concerns for future increased truck traffic and truck traffic binding elements. Cliff Ashburner and Commissioner Carlson discussed modifying the plan and the binding element restricting semi-truck travel (see recording for detailed presentation).

01:57:27 Commissioner Brown, Commissioner Jarboe, and Cliff Ashburner discussed the number of employees and calculated parking spaces (see recording for detailed presentation).

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0044

Commissioner Deliberation:

02:02:25 Commissioner Deliberation (see recording for detailed presentation). Commissioners, Joe Reverman, and Cliff Ashburner discussed continuing this case to give the applicant the opportunity to address the access issues to Plantside Drive, proposed binding elements, and development designs (see recording for detailed presentation).

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

02:18:40 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **March 5, 2020 Planning Commission public hearing**.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.

NOTE: Planning Commission recessed for 5 Minutes

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0035

Request: Change in zoning from R-4 to R-5A with a variance, waiver, and DDDP
Project Name: Fairview Avenue Townhomes
Location: 10503-10505 Fairview Avenue
Owner: Kristy L. Thompson
Applicant: Kristy L. Thompson
Representative: Bluestone Engineers PLLC
Jurisdiction: City of Jeffersontown
Council District: 20-Stuart Benson
Case Manager: Joel P. Dock, AICP, Planner II

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

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

Agency Testimony:

02:22:54 Joel Dock presented the case and showed a Power Point slide show (see staff report and recording for detailed presentation). Mr. Dock detailed the two proposed structures and the primary access from Fairview Avenue.

The following spoke in support of this request:

Chris Crumpton, 3703 Taylorsville Road, Suite 205, Louisville, Kentucky, 40220

Summary of testimony of those in support:

02:27:08 Chris Crumpton, Bluestone Engineers, presented a Power Point slide show (see recording for detailed presentation). Mr. Crumpton stated this proposed development would promote higher density. He noted they are maintaining the LBA directly east of the site. Chris detailed the requested variance, waiver, and detailed district development plan.

02:31:25 Commissioner Brown asked if the trash collection is roll out carts. Chris Crumpton replied yes.

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0035

02:31:35 Commissioner Mims asked if the rear elevations would face Fairview Avenue. Chris Crumpton replied the front elevation faces Fairview Avenue and the rear elevation will face the parking lot.

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

02:32:38 Commissioner Deliberation (see recording for detailed presentation). Joel Dock asked Commissioner to note the revision to the staff report to modify Binding Element number 3 to include today's date

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

Change-in-Zoning from R-4 to R-5A

02:34:42 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution based on the Plan 2040 staff analysis, and testimony heard today, was adopted

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 1: Community Form** because the subject property is located one parcel removed from a major transit corridor in an area with employment and services to support a higher density; Appropriate transition between uses that are substantially different in scale and intensity or density of development will be provided as necessary. The proposed density provides transition from commercial development to single family development at an appropriate intensity and scale; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 2: Community Form** because New residential development will be provided and support by surrounding amenities and services; and

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0035

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 3: Community Form** because the development avoids wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 4: Community Form** because the site does not contain distinctive cultural features. A single family structure will be replaced by multiple dwelling structures; the site does not contain significant historic features. A single family structure will be replaced by multiple dwelling structures; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 1: Mobility** because the proposed higher density is located in an area served by public transit, near employment opportunities, and services and amenities; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 2: Mobility** because access to the subject site is would not create a significant nuisance as a commercial property adjoins the site and separates it from a major transit corridor; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 3: Mobility** because the proposed higher density is located in an area served by public transit, near employment opportunities, and services and amenities. The proposal encourages a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing is provided near employment centers; the proposal does not result in a negative impact on the transportation network as it is located one parcel removed from a transit corridor and within walking distance to employment and amenities; the developer will bear or share in rough proportionality the costs of transportation facilities and services made necessary by development; Improvements will be made along the right of way to ensure a continued connection of public infrastructure; Improvements will occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel. Right-of-way is being dedicated; No access to high speed roadways is contemplated or available; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 2: Community Facilities** because the subject property is served by existing utilities or capable of being served by public or private utility extensions; the development would appear to have an adequate supply of potable water and water for fire-fighting purposes; Preliminary approval has bene received from

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0035

MSD; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 1: Livability** because minimum compliance with applicable landscape and tree canopy plantings and screening will be; the subject property does not appear to be negatively affected by erosion or karst features; MSD and the City of Jeffersontown will ensure the integrity of the regulatory floodplain; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 1: Housing** because the proposed district encourages a variety of housing types including, but not limited to, detached and attached single family, multifamily, mixed use, zero lot line, average lot, cluster, and co-housing as a multi-unit development is proposed at an appropriate location in the Town Center form district; the proposed district Promote housing options and environments that support aging in place as the site is located within walking distance of services and amenities; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 2: Housing** because the proposed district encourage intergenerational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area as the district provides flexibility from the traditional standards of the existing single-family district; the proposed district is located within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. The central business district of Jeffersontown is a short distance to the north of the subject property; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 3: Housing** because the proposed district encourages the provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout the Louisville area as the district provides flexibility from the traditional standards of the existing single-family district; a single unit is to be replaced by multiple units; thus, encouraging higher density of replacement; the proposed district encourages the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing as the district provides flexibility from the traditional standards of the existing single-family district; now, therefore be it

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0035

RESOLVED, The Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Jeffersontown that the **Change-in-Zoning** from R-4, single-family to R-5A, multi-family on property described in the attached legal description be **APPROVED**.
The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.

Variance

02:35:39 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted based on the Standard of Review and Staff Analysis, and testimony heard today, was adopted

WHEREAS, the Louisville Metro Planning Commission finds the requested variance will not adversely affect public health, safety, or welfare as the abutting user is a commercial use and no environmental features or the movement of pedestrians or vehicles is affected; and

WHEREAS, the Commission further finds the requested variance will not alter the essential character of the general vicinity as the abutting use is commercial and a driveway is currently present within the; and

WHEREAS, the Commission further finds the requested variance will not cause a hazard or nuisance to the public as the public is not affected by the request; and

WHEREAS, the Commission further finds the requested variance will not allow an unreasonable circumvention of zoning regulations as it allows for the full provision of landscaping on the eastern property line; and

WHEREAS, the Commission further finds the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as the setback applies to all multi-family development in a traditional context; and

WHEREAS, the Commission further finds the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as the request will

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0035

not affect public health, safety or welfare and a hazard or nuisance will not be created; and

WHEREAS, the Commission further finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the site has not been developed and relief is being sought; now therefore be it,

RESOLVED, The Louisville Metro Planning Commission does hereby **APPROVE** the **Variance** from Land Development Code (LDC), section 5.2.4.C.2 & 5.2.2.C to allow access drive and existing garage to encroach into the 3' side yard setback

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.

Waiver and Detailed District Development Plan

02:36:39 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted

WAIVER

WHEREAS, the Louisville Metro Planning Commission finds the waiver will not adversely affect adjacent property owners as the proposal is providing the required planting and screening that would ordinarily be required of the adjacent user to the north if developed under the current guidelines; and

WHEREAS, the Commission further finds Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The proposed development is

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0035

providing the required planting and screening that would ordinarily be required of the adjacent user to the north if developed under the current guidelines; and

WHEREAS, the Commission further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as front setback and side landscaping that affect the character of residential areas are being provided as required; and

WHEREAS, the Commission further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the proposed development is providing the required planting and screening that would ordinarily be required of the adjacent user to the north if developed under the current guidelines and front setback and side landscaping that affect the character of residential areas are being provided as required; and

DETAILED DISTRICT DEVELOPMENT PLAN

WHEREAS, the Commission further finds the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be conserved as the site does not negatively impact any of these natural resources; and

WHEREAS, the Commission further finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as public sidewalks are provided and connectivity to services and amenities, as well as employment is provided; and

WHEREAS, the Commission further finds the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided. A recreational area for leisure is centrally located within the development and landscape buffers are immediately abutting this area; and

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

WHEREAS, the Commission further finds the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the development provides sufficient buffers adjacent to

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0035

residential uses and provides consistent setback with adjacent residential along the frontage. Parking areas will be centrally located to minimize their visibility from public roads; and

WHEREAS, the Commission further finds the proposed development plan conforms to Plan 2040. The subject property is located one parcel removed from a major transit corridor in an area with employment and services to support a higher density. The proposed higher density is located in an area served by public transit, near employment opportunities, and services and amenities. The proposal encourages a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. It is located within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. The central business district of Jeffersontown is a short distance to the north of the subject property; now therefore be it,

RESOLVED, The Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Jeffersontown the **Waiver** of LDC 10.2.4 to reduce the 15' Landscape Buffer Area (LBA) along the north property line to 10' **AND** the **Detailed District Development Plan** with binding elements to include the modification to 3.F to include today's date 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; 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.

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0035

3. 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 the City of Jeffersontown and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Fairview Avenue as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 6, 2020 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0035

development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0080

Request: Change in zoning from C-1 and C-2 to PEC with a waiver and RDDP
Project Name: Durrett Lane
Location: 1231 & 1241 Durrett Lane
Owner: Durrett LLC
Applicant: Poe Durrett LLC
Representative: Land Design and Development; Frost Brown Todd
Jurisdiction: Louisville Metro
Council District: 21-Nicole George
Case Manager: Joel P. Dock, AICP, Planner II

Notice of this public hearing appeared in [The Courier-Journal](#),

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

Agency Testimony:

02:38:44 Joel Dock presented the case and showed a Power Point slide show (see staff report and recording for detailed presentation). Mr. Dock detailed the case summary, site photos, and staff findings. He noted the convenient access points to the site which meets comprehensive plan goals for mobility.

The following spoke in support of this request:

Glenn Price, 400 W. Market Street, Suite 3200, Louisville, Kentucky, 40202

Summary of testimony of those in support:

02:44:41 Glenn Price, representing Durrett LLC and Poe Durrett LLC, presented a Power Point slide show (see recording for detailed presentation). Mr. Price detailed the existing buildings, the development plan, and access points from Durrett Lane and Preston Hwy.

The following spoke in opposition to this request:

No one spoke.

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0080

Commissioner Deliberation:

02:50:10 Commissioner Deliberation (see recording for detailed presentation).

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

02:51:32 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Plan 2040 Staff Analysis, testimony heard today, and the Applicant's Demonstration of Appropriateness, was adopted:

Applicant's Demonstration of Appropriateness

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Community Form Goal 1** because The Proposal conforms to Community Form Goal 1 and all applicable Objectives and Policies adopted thereunder, including Policies 6, 7, 8, 15, 16, 17, 18 and 21. The site is presently used as a commercial call center and has been used historically for large-scale office uses. Hence, the proposed zone change would not constitute a non-residential expansion into a residential area. Located on a major arterial roadway and transit corridor (i.e., Preston Highway), the Proposal would allow for higher density and intensity uses. Preston Highway is a Kentucky state highway (State Highway Route 61). Although the site lies within a Suburban Marketplace Form District, as opposed to a Workplace Form District, the proposal is nevertheless located near adequate infrastructure and transportation facilities. All air and noise ordinances will be complied with. Lighting provisions of the Land Development Code will be complied with. Uses on the subject site will conform to all air quality regulations promulgated by the Louisville Air Pollution Control District. The development and all uses on the subject site will conform to water quality regulations promulgated by the Metropolitan Sewer District. The proposed zoning district will not result in the displacement of residents or the loss of affordable housing units, nor will it create a strain on parking facilities in the area. Durrett Lane is not proposed to handle truck traffic to be generated by the development. Employee vehicles will utilize Durrett Lane, and it is not anticipated that the employee traffic will adversely impact the traffic-carrying capacity of Durrett Lane; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Community Form Goal 2** because the proposal conforms to Community Form Goal 2 and all applicable Objectives and Policies adopted thereunder, including Policies 1, 5, 6,

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0080

7, 8, 9 and 10. The proposal results in the reuse of developed land. The development has the potential for future outlot development along a commercial corridor with adequate connectivity. The site has no apparent natural features thereon. The proposed PEC Planned Employment Center District will allow for commercial development and light and medium intensity industrial development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Community Form Goal 3** because the Proposal conforms to Community Form Goal 3 and all applicable Objectives and Policies adopted thereunder, including Policies 9, 10, 11 and 12. There are no natural features or natural systems on the site that should be respected. No wet or highly permeable soils or severe, steep or unstable slopes are present on-site. The site is not located within the Ohio River corridor. All comments from the Metropolitan Sewer District must be addressed; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Community Form Goal 4** because the Proposal conforms to Community Form Goal 4 and all applicable Objectives and Policies adopted thereunder, including Policies 1 and 2. No historic assets or assets of architectural value are located on site. No distinctive cultural features are evident on site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Mobility Goal 1** because the Proposal conforms to Mobility Goal 1 and all applicable Objectives and Policies adopted thereunder, including Policy 4. The Proposal will allow for higher density and intensity uses in an area served by public transit service provided by the Transit Authority of River City via TARC Route 18.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Mobility Goal 3** because the Proposal conforms to Mobility Goal 3 and all applicable Objectives and Policies adopted thereunder, including Policies 2, 3, 4, 5, 6, 9 and 10. The proposed zone change to PEC Planned Employment Center District would permit both medium and light intensity industrial uses, commercial and office uses. The proposed warehouse facility will be open 24 hours per day to allow for trans-shipment of goods when necessary. Preston Highway is a transit route. Truck traffic will utilize the Preston Highway entrance to the site, rather than Durrett Lane; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Community Facilities Goal 2** because the Proposal conforms to Community Facilities Goal 2 and all applicable Objectives and Policies adopted thereunder, including Policies 1, 2 and 3. The development site is served by all existing necessary utilities. The Louisville Water Company has approved the Proposal, which indicates that the development has an adequate supply of potable water and water for fire-fighting

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0080

purposes. The site will be served by the sewage treatment facilities of the Metropolitan Sewer District ("MSD"). It is anticipated that the Metropolitan Sewer District (MSD) will approve the Proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Economic Development Goal 1** because the Proposal conforms to Economic Development Goal 1 and all applicable Objectives and Policies adopted thereunder, including Policies 1, 2, 3, 4 and 5. The proposed zone allows for commercial uses and is located on a major arterial. Durrett Lane will not be utilized for heavy truck traffic, which would increase potential hazards on a local roadway serving residences and commercial uses. The proposed zone is located within close proximity to the airport and has ready access to the airport. The proposal provides adequate infrastructure and transportation facilities along a major arterial roadway with access to an interstate highway; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Livability Goal 1** because the Proposal conforms to Livability Goal 1 and all applicable Objectives and Policies adopted thereunder, including Policies 17, 21 and 24. The site is not located within the regulatory floodplain and does not appear to be susceptible to erosion; and

REZONING

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 1: Community Form** because the proposed rezoning is located on an existing development site of a non-residential use and zoning district. The proposed zoning district will not result in the displacement of residents or loss of affordable housing units. The proposal will not create a strain on parking in the area as the current development provides a sufficient number of existing parking spaces to serve a wide variety of potential commercial, industrial, and office users. The site is predominantly adjoining nonresidential uses or the interstate; The proposed higher intensity use is located along a major arterial roadway near transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists. The proposal is conveniently accessible from Interstate-264 and Interstate-65, as well the International Airport and related industry; the proposal is not located in a workplace form district. The proposal is, however, located near adequate infrastructure and transportation facilities, including the international airport and the interstate; the proposal has been reviewed for its impact on air, noise and light emissions to ensure disadvantaged populations are not disproportionately impacted. The proposed zoning district does not allow for the most

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0080

noxious industrial uses as the district does not allow for M-3 industrial uses. The proposed district is intended to “provide opportunities for employment close to residential areas, and thus to reduce travel time from home to work and the burden on the streets and transit system.” It allows for limited commercial activities and offices in combination with industrial parks. The future use and development of the property should be cognizant of the residential populations along Durrett Lane with respect to the movement of heavy-trucks. Preston Highway provides sufficient access to necessarily transportation infrastructure; the impact on human health, quality of life and the environment has been considered. The proposed zoning district does not allow for the most noxious industrial uses as the district does not allow for M-3 industrial uses. The proposed district is intended to “provide opportunities for employment close to residential areas, and thus to reduce travel time from home to work and the burden on the streets and transit system.” It allows for limited commercial activities and offices in combination with industrial parks. The future use and development of the property should be cognizant of the residential populations along Durrett Lane with respect to the movement of heavy-trucks. Preston Highway provides sufficient access to necessarily transportation infrastructure; Adverse impacts of traffic are minimized as the site has access to a major arterial roadway and an adequate transportation network; the adverse impacts of noise have been considered and it would not appear that the proposed district would have a considerable negative impact beyond the current condition present, including the international airport and the interstate; the proposed district minimizes the impact of hazardous or potentially nuisance uses as uses permitted within the highest intensity industrial category (M-3) are not permitted; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 2: Community Form** because the SMC calls for a pattern of development distinguished by a mixture of medium to high intensity uses. While the form is not being expanded, it should be considered relevant for this expanded intensity the following factors: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code. The prior use and current layout of the property are not necessarily the desire of the suburban marketplace corridor. The current form at this location is disconnected and out of place from the commercial corridor that begins further to the south and north of the site. The site lies at the crossroad of the interstate and the international airport and appears to be better served by providing support and to take advantage of those facilities; the proposed district allows low-intensity commercial services to serve the community in conjunction with office and industrial uses. For instance, a manufacturer may produce a product as permitted by the district and sell those products directly to the consumer; the proposal results in the reuse of developed land or future redevelopment in the context of the proposed district; the proposed district encourages compatible uses that

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0080

will take advantage of their location in relation to transportation infrastructure; Residential uses are not permitted in the proposed district and would not necessarily be appropriate given the subject property's proximity to transportation infrastructure, including the airport and interstate; The proposed district allows for commercial and office uses; The proposed district allows for outlot development and encourages sufficient space in attractive, landscaped, and planned industrial parks for M-2 Industrial operations, which may include a multi-lot redevelopment; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 3: Community Form** because the development site is previously developed and it would not appear to affect sensitive natural feature; the site is previously developed and it would not appear to affect wet or highly permeable soils, severe, steep or unstable slopes; Preliminary approval has been received from MSD. The site is previously developed; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 4: Community Form** because the site does not appear to contain buildings, sites, districts or landscapes that are recognized as having historic or architectural value; the site does not appear to contain buildings, sites, districts and landscapes that are recognized as having historic or architectural value; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 1: Mobility** because the proposed higher intensity use is located in an area that is connected to public transit and employment centers. It would facilitate the repurposing of a former employment center; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 3: Mobility** because the proposed district is intended to "provide opportunities for employment close to residential areas, and thus to reduce travel time from home to work and the burden on the streets and transit system." It allows for limited commercial activities and offices in combination with industrial parks. Medium intensity industrial operations contained within buildings allow for employment opportunities while limiting potential for nuisances upon the community; the proposed higher intensity use is located in an area that is connected to public transit; The proposed higher intensity use is located in an area that is connected public transit, as well as an adequate network for multiple modes of transportation; the proposed development site consists of existing facilities that are imagined for repurposing at this time. The site is at a convenient location to provide for different transport and distribution while limiting nuisances upon multi-modal transit; the proposed district is strategically located to take advantage of existing transportation infrastructure; Required improvements to transportation facilities will be made as required; and

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0080

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 2: Community Facilities** because the proposal would appear to be located in areas served by existing utilities or capable of being served by public or private utility extensions; An adequate supply of potable water and water for fire-fighting purposes would appear to be available; Preliminary approval has been received by MSD; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 1: Economic Development** because while the proposed district is not located in an industrial subdivision, it is located to take advantage of adequate infrastructure and transportation facilities; the proposed district, which allows for commercial uses, is located on a major arterial. The future use and development of the property should be cognizant of the residential populations along Durrett Lane with respect to the movement of heavy-trucks. Preston Highway provides sufficient access to necessarily transportation infrastructure; the proposed district is located within close proximity to the airport and has ready access to the airport; The proposal provides adequate infrastructure and transportation facilities along a major arterial roadway with interstate access; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets **Land Use & Development Goal 1: Livability** because the site does not appear to be susceptible to erosion; Preliminary approval has been received by MSD; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council **Change in zoning** from C-1 & C-2, Commercial to PEC, Planned Employment Center be **APPROVED**

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.

Waiver and Revised Detailed District Development Plan

02:52:28 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today was adopted:

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0080

Waiver

WHEREAS, the Louisville Metro Planning Commission finds the waiver will not adversely affect adjacent property owners as the request is the result of existing encroachments and all planting and screening required will be provided; and

WHEREAS, the Commission further finds Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The request is the result of existing encroachments and all planting and screening required will be provided. The current parking facilities are unmitigated from roadways and adjacent uses and the proposal will improve on the current conditions; and

WHEREAS, the Commission further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as existing facilities will be repurposed and planting and screening as required will be provided; and

WHEREAS, the Commission further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the redevelopment of the site will result in improved conditions along the perimeter without causing the removal of a pavement and parking; and

Revised Detailed District Development Plan

WHEREAS, the Commission further finds The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be conserved as the site is previously developed and these items will not be impacted, or the development will receive appropriate approvals from relevant agencies to mitigate floodplain or water course; and

WHEREAS, the Commission further finds Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided as pedestrian connectivity to public transit routes has been extended and public walks are being provided along Durrett Lane; and

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0080

WHEREAS, the Commission further finds the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided. Open space is not required at this time; and

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

WHEREAS, the Commission further finds the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as parking facilities will be improved to provide interior landscape areas and planting and screening will be provided along the perimeter; and

WHEREAS, the Commission further finds the proposed development plan conforms to Plan 2040 as a minimal amount of redevelopment is occurring at this time. The proposal will provide sufficient plantings to increase tree canopy in Louisville Metro and decrease negative environmental impacts of large expanses of surface parking lots. Pedestrian connectivity to public transit is being provided and public walks will be improved and provided; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the **Waiver** of Land Development Code, section 10.2.7 & 10.2.10 to allow encroachments of existing pavement into the required 15' landscape buffer areas **AND** the **Revised Detailed District Development Plan** subject to the abandonment of existing binding elements and adoption of proposed binding elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0080

3. Before any permit, including but not limited to building, parking lot, change of use is requested:
 - a. The development plan must receive full construction approval from 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 occupying the building. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the subject site and the adjoining property owners at 1243 Durrett Lane and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. A legal instrument providing for the long-term use of the off-site parking spaces for property at 1243 Durrett lane as shown on the approved district development plan and in accordance with Section 9.1.5 Off-Site Parking shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a certificate of occupancy.

PLANNING COMMISSION MINUTES
February 6, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0080

7. Compliance with parking minimum/maximum and/or non-conformance shall be determined at time of occupancy. The approved development plan and Planning Commission record shall be updated to reflect compliance.

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.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.

PLANNING COMMISSION MINUTES
February 6, 2020

STANDING COMMITTEE REPORTS

Land Development & Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy & Procedures Committee

No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given

ADJOURNMENT

The meeting adjourned at approximately 3:57 p.m.

Chairman

Division Director