

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
June 30, 2022**

A meeting of the Louisville Metro Planning Commission was held on June 30, 2022 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Marilyn Lewis, Chair
Lula Howard, Vice Chair
Jeff Brown
Rich Carlson
Ruth Daniels
Jim Mims
Patricia Clare
Glenn Price

Commission members absent:

Te'Andre Sistrunk
Suzanne Cheek

Staff Members present:

Emily Liu, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Jay Lockett, Planner II
Molly Clark, Planner I
Laura Ferguson, Legal Counsel

Others Present:

Beth Stuber, Transportation Planning Supervisor

The following matters were considered:

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APPROVAL OF MINUTES

JUNE 16, 2022 PLANNING COMMISSION REGULAR MEETING MINUTES

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

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on June 16, 2022.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Price and Lewis

NOT PRESENT FOR THIS CASE: Commissioners Cheek and Sistrunk

ABSTAINING: Commissioner Mims

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CONSENT AGENDA

CASE NO. 22-STRCLOSURE-0009

Request:	A proposed closure of public right-of-way
Project Name:	Chenoweth Ct
Location:	Chenoweth Ct
Owner:	City of St Matthews
Applicant:	GLHS Holdings LLC
Representative:	Land Design and Development
Jurisdiction:	St Matthews
Council District:	9 – Bill Hollander
Case Manager:	Jay Lockett, 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.)

Discussion

None.

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 Brown, seconded by Commissioner Carlson, the following resolution was adopted.

WHEREAS, adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant’s representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services or be dispossessed of public access to their property. The applicant will provide necessary easements or relocation of equipment per utility agency requirements; and

WHEREAS, any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those

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CASE NO. 22-STRCLOSURE-0009

rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

WHEREAS, the Louisville Metro Planning Commission finds, the request to close public right-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; Mobility Goal 3, Policy 1 states to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers; Mobility Goal 3, Policy 3 to evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices; Mobility Goal 3, Policy 5 to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality; and Mobility Goal 3, Policy 12 states to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent lands maintain access to public infrastructure and utility services will continue to be provided to these lands; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no other relevant matters to be considered by the Planning Commission.

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CASE NO. 22-STRCLOSURE-0009

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of St. Matthews the closure of public right-of-way on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Cheek and Sistrunk

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BUSINESS SESSION

331 OUTER LOOP BE FINAL ORDER

Request: Binding Element Final Order – 331 Outer Loop
Case Manager: Laura Ferguson, Assistant County Attorney

Discussion

00:05:30 Laura Ferguson stated this is a binding element citation that was issued March 30, 2022 and not appealed. The property has been the subject of numerous inspections and specifically binding element 1 has been violated several times (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.

On a motion by Commissioner Carlson, seconded by Commissioner Clare, the following resolution was adopted.

**LOUISVILLE METRO PLANNING COMMISSION BINDING ELEMENT FINAL ORDER
331 OUTER LOOP**

WHEREAS, On March 30, 2022, Louisville Metro Code Enforcement Officer Steven Bodner issued a Binding Element Violation Citation (“Citation”) to Abdulkadir Osman Mohammed and Mohamed Abukar Ibrahim, the property owners (the “Owners”), for violation of Binding Element No. 1 under Docket Number 14DEVPLAN1074 (“applicable binding element”), on the property located at 331 Outer Loop and being in Louisville, Kentucky (hereafter “Subject Property”) because:

1. The development will 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.

However, the Subject Property is not in accordance with the approved detailed district development plan because the Subject Property is being used as an auto body shop for vehicles that are for resale at another location, screening is in bad shape on the Subject Property, and there is significant outdoor storage of junk car parts on the Subject Property.

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BUSINESS SESSION

331 OUTER LOOP BE FINAL ORDER

WHEREAS, the Owner failed to contest the Citation and did not request an appeal before the Louisville Metro Planning Commission (the "Commission"); and

WHEREAS, the Commission finds, based on the evidence submitted into the record under Docket Number Binding Element Final Order 331 Outer Loop, that the Owner committed violations for Binding Element 1 on the Subject Property because the Owner failed to comply with the applicable binding element on the Subject Property as put forth herein above.

It is hereby **ORDERED** by the Commission that the Citation issued on March 30, 2022, to the Owner is **UPHELD**, and that the Owner shall bring the Subject Property into full compliance with the most recently approved development plan for the Subject Property within thirty (30) calendar days from when the Commission entered this Final Order, as specified by the dated signatures below.

It is hereby further **ORDERED** by the Commission, after considering the Owner's lack of achieving compliance with the applicable binding elements on the Subject Property, the Commission hereby fines the Owner \$1,000.00 and that the Owner shall pay said fine by certified check made payable to the Louisville Metro Finance, within thirty (30) calendar days from when the Commission entered this Final Order, as specified by the dated signatures below.

MICHAEL J. O'CONNELL
Jefferson County Attorney

LOUISVILLE METRO
PLANNING COMMISSION

By: _____
Laura M. Ferguson

By: _____
Chairperson

DATE: _____
Final Order 331 Outer Loop (3/30/22)

DATE: _____

RESOLVED, that the Louisville Metro Planning Commission does hereby **UPHOLD** the citation issued on March 30, 2022 and imposes the fine of \$1,000.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Cheek and Sistrunk

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PUBLIC HEARING

CASE NO. 22-ZONE-0027

Request: Change in zoning from U-N to C-1, with Detailed District Development Plan and Binding Elements, and Waiver – CONTINUED TO THE JULY 7, 2022 PLANNING COMMISSION MEETING

Project Name: Opportunity Shelby
Location: 1118 S Shelby Street
Owner: Opportunity Louisville II LLC
Applicant: Opportunity Louisville II LLC
Representative: Rachel Harman
Jurisdiction: Louisville Metro
Council District: 6 – David James
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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:12:23 Dante St. Germain said this case needs to be continued to the July 7, 2022 Planning Commission meeting because the legal ad did not run on time.

Deliberation

Planning Commission deliberation.

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

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the July 7, 2022 Planning Commission meeting.

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PUBLIC HEARING

CASE NO. 22-ZONE-0027

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Cheek and Sistrunk

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PUBLIC HEARING

CASE NO. 22-DDP-0015

Request: APPEAL of DRC approval of a Revised Detailed District Development Plan with revisions to binding elements – CONTINUED FROM JUNE 2, 2022 PC MEETING

Project Name: Bellwood Garden Condos
Location: Parcel 002201830000 Bellwood Garden Ct.
Owner: Home Buyers Realty LLC
Applicant: Home Buyers Realty LLC
Jurisdiction: Louisville Metro
Council District: 18 – Marilyn Parker
Case Manager: Jay Lockett, 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.)

Agency Testimony:

00:20:08 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ali Kassai, 2103 Saratoga Drive, Louisville, Ky. 40205
John McGeeney, 59 Hill Road, Louisville, Ky. 40204

Summary of testimony of those in favor:

Ali Kassai said he has representation to discuss the proposal but is available for questions if needed (see recording for detailed presentation).

John McGeeney said this is an appeal of the DRC approval. There were several letters received pertaining to the 17th unit being 2-stories instead of 1-story. It was a typographical error (always intended to be 2-story) and shouldn't cause density or safety issues (see recording for detailed presentation).

The following spoke in opposition to this request:

Bruce Bower, 508 Bellewood Road, Louisville, Ky. 40223
Ella Smith, 11512 Robert Road, Louisville, Ky. 40223
Erin Grace Hart, 11526 Bellewood Garden Court, Louisville, Ky. 40223
Kim Burgess, 1290 North 475 East Columbus, In. 47203

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Summary of testimony of those in opposition:

Bruce Bower said his property is directly in front of the proposed 2-story unit. The applicant should stick with the original plan from 2005. The proposal is not appropriate for the area (see recording for detailed presentation).

Ella Smith said her property backs up to the proposal. The dumpster will not sustain the number of units and is not enclosed. The dumpster is overflowing now (provided pictures) and they are not at full capacity (see recording for detailed presentation).

Erin Grace Hart said the 17th unit was never part of the original 2005 plan and there's not enough space for it. It's very crowded already. There was no approval for the dumpster pad. Density and drainage are issues as well (see recording for detailed presentation).

Kim Burgess is speaking on behalf of her daughter Jennelee Burgess, a resident/owner of Bellewood Garden Court. She discussed the drainage issues, which have gotten worse since starting construction. Density is a concern as well (see recording for detailed presentation).

Rebuttal

Ali Kassai explained that the drainage issues could be caused by dirty gutters or the fact that the slope is not away from the building. The neighbors are giving opinions, not facts. The garbage will be roll-out containers (see recording for detailed presentation).

Commissioner Howard asked if there's a current landscape plan and when will the dumpster be enclosed. Mr. Kassai said there will be roll-out containers and maybe place a bench on the dumpster pad. Jay Luckett said the applicant will have to submit a revised landscape plan (see recording for detailed presentation).

Deliberation

Planning Commission deliberation.

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

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PUBLIC HEARING

CASE NO. 22-DDP-0015

Revised Detailed District Development Plan with revisions to Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today and at the June 2, 2022 Planning Commission meeting was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site; and

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

WHEREAS, required open space will be provided on the subject site; and

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

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **UPHOLD** the Development Review Committee approval on April 20, 2022 for the Revised Detailed District Development Plan **ON CONDITION** that Planning Commission directs staff to perform an inspection to verify that the site is in compliance with the previously approved Development Plan and that all landscaping is in place, **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 elements shall be submitted to the Planning Commission or the Planning Commission's

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

2. The density of the development shall not exceed 11.33 dwelling units per acre (17 units on 1.503 acres).

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 or site disturbance permit is requested:

a. The development plan must receive full construction approval from Louisville Metro Public Works and the Metropolitan Sewer District.

b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

c. A 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; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

6. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.

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.

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8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 4, 2005, Planning Commission meeting.

10. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

11. All street signs shall be installed by the Developer and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

12. Multi-family development of the property shall be limited to development under a horizontal property regime.

13. The Homeowners Association of the proposed development will be responsible for the maintenance and upkeep of the exterior of each unit as well as the exterior landscaping on the property.

14. The proposed 6-foot tall solid wood fence along the south property line shall be constructed as shown on the approved development plan. The fence shall be maintained in good repair by the property owner.

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15. The air conditioning units on the adjacent Middletown Lodge property to the south shall be fenced by the developer.

16. The developer shall grade the site in accordance with the grading cross sections that have been submitted at the LD&T meeting on June 9,2005, including grading on the adjacent Middletown Lodge property to ensure a stable slope and appropriate drainage.

17. The drainage easement for downstream drainage improvements shall be recorded prior to transmittal of the plans. The construction of the downstream drainage improvements must be completed before requesting a building permit.

18. The developer shall provide evergreen trees a minimum of 8-feet tall planted 15-feet on center along the south property line. Trees shall be replaced by the property owner if they die.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Howard, Mims, Price and Lewis

ABSTAIN: Commissioner Clare

NOT PRESENT AND NOT VOTING: Commissioners Cheek and Sistrunk

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PUBLIC HEARING

CASE NO. 22-RSUB-0001

Request: (CONTINUED TO JULY 7th PC) Revised Major Preliminary Subdivision and a waiver
Project Name: The Courtyards
Location: 11705 Waterford Road and 11706 Hillside View Drive
Owner: RBHD, LLC & Red Bud Hill Development, INC
Applicant: RBHD, LLC & Red Bud Hill Development, INC
Representative: Allison Hicks, Mindel Scott
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Molly Clark, Planner I

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

Agency Testimony:

00:14:05 Molly Clark stated this case needs to be continued to the July 7, 2022 Planning Commission meeting (see recording for detailed presentation).

Deliberation

Planning Commission deliberation.

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

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the July 7, 2022 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Cheek and Sistrunk

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PUBLIC HEARING

CASE NO. 22-RSUB-0002

Request: (Continued to July 7th Planning Commission) Revised Major Preliminary Subdivision, Revised Detailed District Development Plan, Floyds Fork Overlay

Project Name: Oakland Hills

Location: 11333 Bardstown Creek Road

Owner: 21st Century Parks Endowment, INC

Applicant: Larry Clark, RBHD, LLC & Red Bud Hill Dev, Inc

Representative: Allison Hicks, Mindel Scott

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

Case Manager: Molly Clark, Planner I

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

Agency Testimony:

00:14:05 Molly Clark stated this case needs to be continued to the July 7, 2022 Planning Commission meeting (see recording for detailed presentation).

Deliberation

Planning Commission deliberation.

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

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the July 7, 2022 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Cheek and Sistrunk

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PUBLIC HEARING

CASE NO. 22-ZONE-0044

Request: Change in Zoning from R-4 to R-5 with a District Development Plan, a Waiver and a Variance
Project Name: Alston Trace
Location: 3200-3208 Maldon Ct, 5714, 5716, 5718-5746 Maldon Dr
Owner: Alston Trace LLC
Applicant: Alston Trace LLC
Representative: Dinsmore and Shohl
Jurisdiction: Louisville Metro
Council District: 1 – Angela Bowens
Case Manager: Jay Lockett, 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.)

Agency Testimony:

01:16:02 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Louisville, Ky. 40202
Ann Richard, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

Cliff Ashburner gave a power point presentation discussing the project. There will be 33 lots and the proposal would allow for 47 lots on the property. There will be a 2nd access point that opens to the neighborhood. The proposal will be a different housing type in the sense it will be single family with an attached garage and no on-street parking (see recording for detailed presentation).

Ann Richard said the scale of the plan is 50 scale and the pavement width is 24-feet.

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Rebuttal

Cliff Ashburner stated he agrees with staff that the proposal should be approved in the form of the recommendation, the approval of the waiver, variance and plan.

Deliberation

Planning Commission deliberation (see recording for detailed presentation).

Came out of deliberation to allow the applicant representative to speak again. Cliff Ashburner requests withdrawal of the variance. The commissioners accept the withdrawal request (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.

Zoning Change from R-4 Single Family Residential to R-5 Single Family Residential

On a motion by Commissioner Brown, seconded by Commissioner Carlson, 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 site is directly served by transit along Terry Rd. There is a major commercial center including a Wal-Mart within 1500 feet of the subject site, and other commercial uses along Cane Run Rd and Terry Rd at a similar distance. The subject site is within a mile of various employment opportunities along Cane Run Rd and Greenbelt Highway; the site is adjacent to residential uses of a similar intensity; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposed zoning change would allow for additional housing options in the area; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the site does not have potential for hydric soils; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, the subject site does not have any distinctive cultural features; the subject site does not contain any historic resources; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, Transit service is available along Terry Rd adjacent to the subject site. A wide variety of commercial options and employment opportunities exist in the vicinity of the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, the site utilizes existing streets for access; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed zoning district would allow for additional housing options within an area near employment opportunities and a commercial corridor; adequate roadways exist adjacent to and near the subject site. The applicant will need to provide sidewalks in the adjacent right-of-way; adequate transportation facilities exist to serve the site; the proposed zoning is compatible with existing and proposed transportation networks in the area; the site is accessed via existing local roadways. No direct access to Terry Rd will be permitted; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, Utility services will be coordinated; water service will be coordinated with appropriate agencies; sewer service will need to be coordinated with MSD. MSD has approved the preliminary development plan; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the site does not have any distinctive landscape characteristics; the site is not in a karst prone area; the subject site is not within floodplain areas; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the development and will fit within the residential development pattern of the district, which has a variety of residential zoning districts, densities and housing types; the proposed zoning district will help promote aging in place by providing additional housing type options. The site is close to a variety of commercial uses; and

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PUBLIC HEARING

CASE NO. 22-ZONE-0044

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposed zoning district would promote mixed income and intergenerational development by allowing for additional housing types in an area with access to a variety of commercial services, amenities and employment opportunities; Terry Rd provides ready access to a transportation network that provides safe and convenient access to employment opportunities, services and amenities; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the proposed zoning encourages the provision of fair and affordable housing by allowing for a variety of ownership options, lotting patterns and unit sizes; the proposed zoning district would not displace current residents; the proposed zoning would allow for a variety of lotting patterns, ownership options and home sizes allowing for production of fair and affordable housing.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, Single Family Residential to R-5, Single Family Residential on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Cheek and Sistrunk

Waiver from 7.3.30.F to allow rear yards to overlap drainage easements by more than 15% for lots 5-16, 20-27 and 35-47

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard or Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as the rear yards overlap with easements that will only affect the property owners of the new lots; and

WHEREAS, the waiver will not violate specific guidelines of Plan 2040 as all lots will still have adequate private yard area; and

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WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the locating of sewer and drainage infrastructure is largely dictated by topography and grading considerations. Some of the drainage infrastructure has already been installed within the development area; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the applicant to move the easement and existing infrastructure or extend the rear yards, either of which would reduce the usability of the property.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver from 7.3.30.F to allow rear yards to overlap drainage easements by more than 15% for lots 5-16, 20-27 and 35-47.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Cheek and Sistrunk

Detailed District Development Plan/Major Preliminary Subdivision Plan with abandonment of Conditions of Approval adoption of new Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site; and

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

WHEREAS, there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in

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order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways except where waivers have been approved. Buildings and parking lots will meet all required setbacks except where variances are requested; and

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan/Major Preliminary Subdivision Plan with abandonment of Conditions of Approval and adoption of the new Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. All street signs shall be installed by the Developer and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street and shall be in place at the time of

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any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

5. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
6. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
7. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
8. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
9. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
10. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.

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3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.

11. At the time the developer turns control of the homeowners' association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners' association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.

12. If proposed, the signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Cheek and Sistrunk

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PUBLIC HEARING

CASE NO. 21-ZONE-0131

Request: Change in zoning from R-6 to C-2, with Detailed District Development Plan with Binding Elements, and Waiver
Project Name: OVW 601 Presidents Blvd
Location: 601 Presidents Blvd
Owner: University of Louisville Real Estate
Applicant: 601 Presidents Blvd LLC
Representative: Dinsmore & Shohl
Jurisdiction: Louisville Metro
Council District: 15 – Kevin Triplett
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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:17:13 Dante St. Germain stated the applicant has requested a continuance to the August 4, 2022 Planning Commission meeting but has not given a reason for the continuance (see recording for detailed presentation).

Deliberation

Planning Commission deliberation.

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

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the August 4, 2022 Planning Commission meeting.

The vote was as follows:

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PUBLIC HEARING

CASE NO. 21-ZONE-0131

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Cheek and Sistrunk

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PUBLIC HEARING

CASE NO. 20-ZONE-0037

Request: Change in zoning from R-5B to OR-1 with a landscape waiver
Project Name: 969 Barret Avenue
Location: 969 Barret Avenue
Owner: Red Mushroom Holdings, LLC
Applicant: Red Mushroom Holdings, LLC
Representative: Land Design and Development; Goldberg Simpson PLLC
Jurisdiction: Louisville Metro
Council District: 8 – Cassie Chambers Armstrong
Case Manager: Julia Williams, AICP, Planning Supervisor

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

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

Agency Testimony:

00:18:47 Julia Williams said the applicant is requesting a continuance to the July 21, 2022 Planning Commission meeting because the legal ad was not published (see recording for detailed presentation).

Deliberation

Planning Commission deliberation.

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

On a motion by Commissioner Carlson, seconded by Commissioner Clare, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the July 21, 2022 Planning Commission meeting.

The vote was as follows:

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PUBLIC HEARING

CASE NO. 20-ZONE-0037

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Cheek and Sistrunk

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy and Procedures Committee

No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 2:43 p.m.

Chair

Planning Director