

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
April 2, 2015**

A meeting of the Louisville Metro Planning Commission was held on April 2, 2015 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chair
David Proffitt
Jeff Brown
Vince Jarboe
Robert Kirchdorfer
Robert Peterson
Clifford Turner
David Tomes
Chip White

Commission members absent:

Carrie Butler

Staff Members present:

Emily Liu, Planning Director
Joseph Reverman, Planning Manager
Brian Davis, Planning Supervisor
Latondra Yates, Planner II
David Wagner, Planner II
Julia Williams, Planner II
Christopher Brown, Planner II
Matthew R. Doyle, Planner I
John G. Carroll, Legal Counsel
Jonathan Baker, Legal Counsel
Tammy Markert, Transportation Planning
Pamela M. Brashear, Management Assistant

**NOTE: COMMISSIONERS PROFFITT AND WHITE LEFT AT APPROXIMATELY 4:00
COMMISSIONER KIRCHDORFER LEFT AT APPROXIMATELY 4:10**

The following matters were considered:

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APPROVAL OF MINUTES

MARCH 19, 2015 PLANNING COMMISSION REGULAR MEETING MINUTES

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

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on March 19, 2015 as amended.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Tomes and Turner

NO: No one

NOT PRESENT FOR THIS CASE: Commissioner Butler

ABSTAINING: Commissioners Peterson, Proffitt and White

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CONSENT AGENDA

CASE NO. 15STREETS1005

Request: Street name change for northern portion of Sturbridge Circle to Sturbridge Place

Project Name: Sturbridge Circle Street Name Change

Location: Northern portion of Sturbridge Circle at the intersection with Locust Creek Boulevard

Owner: Creek Capital, Inc.
Thomas Buetow
500 West Jefferson Street, Suite 1510
Louisville, Ky. 40202

Applicant: Creek Partners, LLC
Robert Marrett
500 West Jefferson Street, Suite 1510
Louisville, Ky. 40202

Representative: Sabak, Wilson, & Lingo, Inc.
Kelli Jones
608 South Third Street
Louisville, Ky. 40202

Jurisdiction: Louisville Metro
Council District: 19 – Julie Denton
Case Manager: Matthew Doyle, Planner I

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.)

No Discussion

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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CONSENT AGENDA

CASE NO. 15STREETS1005

00:10:39 On a motion by Commissioner Tomes, seconded by Commissioner Proffitt, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Consent Agenda items.

The vote was as follows:

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

NO: No one

NOT PRESENT FOR THIS CASE: Commissioner Butler

ABSTAINING: No one

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CONSENT AGENDA

CASE NO. 14STREETS1021

Request: Street and Alley Closure
Project Name: St. Frances DeSales
Location: Laughlin Avenue

Owner: Roman Catholic Bishop of Louisville
P.O. Box 1073
Louisville, Ky. 40201

Applicant: St. Frances DeSales High School
Douglas Strothman, President
425 West Kenwood Drive
Louisville, Ky. 40214

Representative: Michael Keal
Keal & Associates, Inc.
P.O. Box 5130
Louisville, Ky. 40255

Jurisdiction: Louisville Metro
Council District: 21-Dan Johnson
Case Manager: Latondra Yates, 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.)

No Discussion

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.

00:10:39 On a motion by Commissioner Tomes, seconded by Commissioner Proffitt, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Consent Agenda items.

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CONSENT AGENDA

CASE NO. 14STREETS1021

The vote was as follows:

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

NO: No one

NOT PRESENT FOR THIS CASE: Commissioner Butler

ABSTAINING: No one

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PUBLIC HEARING

CASE NO. 14ZONE1037

Request: Change in Zoning from OR-2/C-2 to C-1
Project Name: Taylor Boulevard Commercial
Location: 4152-4178 Taylor Boulevard

Owner: Erma M Shrader Estate
Paul Schrader, Executor
C/O Raymond L. Suell
310 West Liberty Street, Suite 610
Louisville, Ky. 40202

HS Robinson
4154 Taylor Boulevard
Louisville, Ky. 40214

James Ray Logsdon
4152 Taylor Boulevard
Louisville, Ky. 40214

Louisville Rentals LLC
Peni Shelton
4166 Taylor Boulevard
Louisville, Ky. 40214

Applicant: 9420 LLC
Gary McCartin
1387 South 4th Street
Louisville, Ky. 40208

Representative: Miller/Wihry MWGLLC
John Miller
1387 South 4th Street
Louisville, Ky. 40208

Jurisdiction: Louisville Metro
Council District: 15-Marianne Butler
Case Manager: **Julia Williams, AICP, Planner II**

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

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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

00:11:53 Ms. Williams requests continuing this case to the April 16, 2015 Planning Commission meeting.

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

On a motion by Commissioner Proffitt, seconded by Commissioner White, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case No. 14ZONE1037 to the April 16, 2015 Planning Commission meeting.

The vote was as follows:

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

NO: No one

NOT PRESENT FOR THIS CASE: Commissioner Butler

ABSTAINING: No one

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PUBLIC HEARING

CASE NO. 14ZONE1056

Request: Change in zoning from M-1 to EZ-1
Project Name: The Edison Center
Location: 1228 South 7th Street
Louisville, Ky. 40203

Owner/Applicant: The Edison Center LLC
1228 South 7th Street
Louisville, Ky. 40203

Representative: Sabak Wilson and Lingo Inc.
608 South 3rd Street
Louisville, Ky. 40202

Jurisdiction: Louisville Metro
Council District: 6-David James
Case Manager: Julia Williams, AICP, Planner II

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

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

Agency Testimony:

00:13:32 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kelli Jones, Sabak, Wilson and Lingo, Inc., 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:23:13 Ms. Jones said the site is surrounded on the north, west and south by industrial zoning and TNZD across 7th St. The site is documented as a Brown Field and has a current action plan in place. There is ongoing monitoring of the soil. No new buildings are being proposed and the existing pavement will be repaired and restriped for parking.

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The following spoke in opposition of this request:

No one.

Deliberation

00:34:04 Planning Commission deliberation. The Commissioners had no concerns and reiterated that the variance is not needed.

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 M-1 to EZ-1

On a motion by Commissioner White, seconded by Commissioner Proffitt, the following resolution was adopted.

WHEREAS, The site is located in the Traditional Workplace Form District; a Traditional Workplace is a form characterized by predominantly small to medium scale industrial and employment uses. The streets are typically narrow, in a grid pattern and often have alleys. Buildings have little or no setback from the street. Traditional workplaces are often closely integrated with residential areas and allow a mixture of industrial, commercial and office uses. New housing opportunities should be allowed as well as civic and community uses.

Traditional workplaces should be served by public transportation. Because of the close proximity to residential areas, parking should be encouraged to be located mostly off street and behind buildings. There should be adequate buffering of nearby neighbors from noise, odors, lighting and similar conditions.

In order to encourage reinvestment, rehabilitation and redevelopment in these areas, flexible and creative site design should be encouraged along with a respect for the traditional pattern of development in the surrounding area; and

WHEREAS, The site will not screen the parking from the adjacent residential located across 7th Street; and

WHEREAS, the proposal will not change the existing grid pattern. The alley adjacent to the site is unimproved and does not have sufficient width to provide access. Transit is available along 7th Street. A sidewalk exists along 7th Street. The proposal includes on street parking as well as a parking lot around the existing building. The proposal is not

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directly adjacent to residential uses. All the buildings are existing and will remain on the site.

The proposal is for EZ-1 which allows for a mix of commercial and industrial uses in a mostly industrial area; and

WHEREAS, the Louisville Metro Planning Commission finds, all other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020; and

WHEREAS, the Louisville Metro Planning Commission further finds a checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council, **APPROVAL** of the zoning change from M-1 to EZ-1 for Case No. 14ZONE1056 based on the staff report and the testimony heard today.

The vote was as follows:

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

NO: No one

NOT PRESENT FOR THIS CASE: Commissioner Butler

ABSTAINING: No one

On a motion by Commissioner White, seconded by Commissioner Proffitt, the following resolution was adopted.

WAIVER #1

Waiver from 5.8.1.B to not provide sidewalks along 9th Street and Dumesnil Street

WHEREAS, The waiver will not adversely affect adjacent property owners since Dumesnil is a dead end street that was cut off due to the 9th Street expansion. Pedestrian access is only from 7th Street where transit exists. A fence surrounds the site to control both pedestrian and vehicular access to the site. Vehicular and access to 9th Street is limited. When 9th Street was expanded in this area sidewalks were not constructed; and

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WHEREAS, the Louisville Metro Planning Commission finds, Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. Sidewalks are not appropriate along 9th Street due to its use as a "highway" in this area. Sidewalks along Dumesnil in this area would also not be appropriate due to it being a dead end road and the site limiting access to the site from that road; and

WHEREAS, the Louisville Metro Planning Commission further finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since 9th Street was constructed to not have pedestrian activity in this area and since Dumesnil is a dead end street.

WAIVER #2

Waiver from 5.9.2.A.1.b.1 to not provide a pedestrian connection from 9th Street and Dumesnil Street to the primary structure

WHEREAS, The waiver will not adversely affect adjacent property owners since the transit route is along 7th Street where the existing sidewalk and pedestrian connection will be. 9th Street was constructed to not have pedestrian activity in this area and Dumesnil is a dead end street; and

WHEREAS, Guideline 9, states that proposal should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity. The proposal provides for pedestrians where it is most appropriate, along 7th Street; and

WHEREAS, the Louisville Metro Planning Commission finds, the waiver is the minimum necessary because the Site Management Plan indicates that the site is to have limited access due to potential soil and groundwater contaminants. The access is being provided where it is most appropriate which is from 7th Street; and

WHEREAS, the Louisville Metro Planning Commission further finds, the strict application of the regulation would deprive the applicant of reasonable use of the land because there are environmental issues regarding the site that require the site to have managed access.

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WAIVER #3

Waiver from 5.9.2.C.4 to permit traffic circulation in front of the principal structure

WHEREAS, The waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public rights-of-way to the building entrance; and

WHEREAS, Guideline 2, policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, policy 1 states to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, policy 3 states to evaluate developments for their ability to promote mass 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 choices. Guideline 9, policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The waiver is a result of an existing condition on the site. The site traffic and circulation has been in place for some time with the exception of where a building once stood and there is no new construction proposed. Therefore, the waivers will not violate specific guidelines and policies of Cornerstone 2020; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the pavement is existing and will only be re-striped; 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 create an unnecessary hardship on the applicant since the pavement is existing and there is no new construction on the site.

WAIVER #4

Waiver from 5.5.1.A.3 to permit parking in front of the building and to not provide a masonry wall to screen the parking from the ROW

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WHEREAS, The waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public right-of-way along 7th Street to the building entrance; and

WHEREAS, Guideline 2, policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, policy 1 states to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, policy 3 states to evaluate developments for their ability to promote mass 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 choices. Guideline 9, policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. All the pavement is existing with no new construction proposed. The parking areas on the site have not ever been screened; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the parking areas and pavement is existing and has been so for some time. Adding a 3' wall on only the portion of the site where it is required would be inconsistent with the overall development; 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 create an unnecessary hardship on the applicant since the pavement is existing and there is no new construction on the site. Adding a 3' wall on only the portion of the site where it is required would be inconsistent with the overall development.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Waiver #1 from 5.8.1.B to not provide sidewalks along 9th Street and Dumesnil Street, WAIVER #2 a waiver from 5.9.2.A.1.b.1 to not provide a pedestrian connection from 9th

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Street and Dumesnil Street to the primary structure, WAIVER #3 a waiver from 5.9.2.C.4 to permit traffic circulation in front of the principal structure and WAIVER #4 a waiver from 5.5.1.A.3 to permit parking in front of the building and to not provide a masonry wall to screen the parking from the ROW based on the staff report and the testimony heard today.

The vote was as follows:

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

NO: No one

NOT PRESENT FOR THIS CASE: Commissioner Butler

ABSTAINING: No one

Development Plan and Binding Elements

On a motion by Commissioner White, seconded by Commissioner Turner, the following resolution was adopted.

WHEREAS, The proposal preserves the existing buildings on the site which are on the National Register of Historic Places. Natural features are not evident on the site; and

WHEREAS, Vehicular transportation is provided for with drive lanes and parking. 7th and Dumesnil Streets will not be changed. A sidewalk exists along 7th Street where transit is also available. A sidewalk is not provided along Dumesnil as it is a dead end street; and

WHEREAS, Open space is not required for the proposal; and

WHEREAS, MSD has preliminarily approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds, the long vacant site and existing historic buildings are compatible with the areas industrial past. The zoning will allow for both industrial and commercial uses which would be compatible with future development in the area; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposal complies with the LDC and Comprehensive Plan.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the District Development Plan and the proposed binding elements on page 17 of the

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staff report based on the staff report and the testimony heard today and **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 150,390 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these

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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 Blake, Brown, Jarboe, Kirchdorfer, Peterson, Proffitt, Tomes, Turner and White

NO: No one

NOT PRESENT FOR THIS CASE: Commissioner Butler

ABSTAINING: No one

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PUBLIC HEARING

CASE NO. 14ZONE1060

Request: Change in zoning from R-4 to R-6 and Detailed District
Development Plan
Project Name: Springs at Bunsen Parkway
Location: 9120 Blowing Tree Road

Owner: Margaret Thieneman and The Thieneman Family Limited
Partnership
3006 Corran Road
Louisville, Ky. 40205

Applicant: Continental 325 Fund LLC
Sara L. Johnson
W134N8675 Executive Parkway
Menomonee Falls, WI 53051

Representative: Bill Bardenwerper
1000 North Hurstbourne Parkway
Louisville, Ky. 40223

Jurisdiction: Louisville
Council District: 18 – Marilyn Parker
Case Manager: Christopher Brown, 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:

00:42:24 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Jim Lobb, Weber and Rose, 471 West Main Street, Suite 400, Louisville, Ky. 40202

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Summary of testimony of those in favor:

00:53:35 Mr. Bardenwerper stated that binding element number 8 will be deleted because it's a repeat of binding element number 15. Binding element number 16 (after renumbering) needs to be revised. The changes to the plan were made and distributed to Mr. Brown and Public Works.

00:56:17 Mr. Lobb represents Hurstbourne Acres. "I know the Hurstbourne Study and KIPDA anticipate that the connector between Bunsen and Taylorsville Rd. would not be the existing Blowing Tree Rd., but a separate road that runs parallel to that."

Mr. Lobb stated that Hurstbourne Acres does not want ingress or egress out of this development onto the existing Blowing Tree Rd.

The following spoke in opposition of this request:

No one.

Deliberation

01:09:37 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.

Zoning Change from R-4 to R-6

On a motion by Commissioner White, seconded by Commissioner Jarboe, the following resolution was adopted.

WHEREAS, The site is located in the Campus Form District and the Campus Form Districts typically contain a mixture of uses that are clustered for a single or predominant function, often of regional importance, such as a university, a hospital complex or an office development for corporate headquarters. A mixture of uses is encouraged and may include residential (e.g., student housing) or commercial, but the uses primarily should serve the people whom work or live on the Campus. The form should be compact and walkable, with multiple buildings, central gathering areas, extensive open space, internal shared parking, private walkways and roadways, and shared utilities and signage. Some Campus form districts may need significant buffering from abutting uses. Campuses may include entry roads as part of an internal system of interconnected streets; and

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WHEREAS, The proposal to rezone the subject site from R-4, Single Family Residential, to R-6, Multi-Family Residential would create an additional mix of residentially zoned property that could include possible housing associated with the office and commercial uses located to the east and south from Bunsen Parkway to the nearby Hurstbourne Parkway corridor. The Campus form district encourages a mix of uses, including residential, that are designed to support those individuals who live and work in the Campus. The proposed rezoning integrates into an area of mixed office and residential uses along Bunsen Parkway; and

WHEREAS, The applicant has demonstrated compliance with **Guideline 1, Community Form**, since the proposed rezoning integrates into an area of mixed residential and office uses at the terminus of Bunsen Parkway. There is existing single and multi-family residential in the vicinity that support the nearby office as well as commercial uses closer to Hurstbourne Parkway. The proposal is compact on the 19.42 acre site with private walkways connecting the various buildings on the property. There is a large open space area within the interior of the site as well as central gathering areas. ROW will be reserved for possible future expansions of Blowing Tree Road and Bunsen Parkway. Pedestrian connectivity will be provided from the site to both frontages at the entrance and emergency entrance with gate; and

WHEREAS, The applicant has demonstrated that the proposed R-6 zoning district will comply with **Guideline 2, Centers** and **Guideline 3, Compatibility**. The applicant has provided for all methods of transportation and easy access to the site for all modes of transportation. There is pedestrian connectivity to both street frontages at the entry points. There is no pedestrian connectivity proposed along the remaining frontage from Blowing Tree Road but it would be built with any future road expansion. No transit routes exist along either roadway connecting to the site. It is not currently an activity center but the expansion of surrounding roadways in the future could lead to additional activity and/or possibly transit connectivity. One full vehicular entryway will be provided with a secondary emergency access. The proposal incorporates residential use that could serve the surrounding office uses within the Campus Form District. The site is designed around a central open space feature as emphasized within the Campus Form District. The property is located within a transition zone between the neighborhood and campus form districts. It follows the required setbacks of the neighborhood form district as and incorporates into the surrounding developmental pattern; and

WHEREAS, The proposal has some issues in its compliance with **Guideline 5, Natural Areas and Scenic and Historic Resources**, of the Comprehensive Plan. The main home on the site is a potentially eligible historic resource as an example of rural agricultural resources. Historic Preservation staff recommends adaptive re-use of the structure instead of demolition. The circa 1910 house could be reused and incorporated

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into the proposal. The applicant has planned to demolish this structure. The applicant will be providing natural areas of tree canopy and the pond area within the property.

WHEREAS, the Louisville Metro Planning Commission finds, the applicant has demonstrated compliance with **Guidelines 7, 8, and 9** of the Comprehensive Plan. ROW will be dedicated along Bunsen Parkway and ROW will be reserved along Blowing Tree Road to allow potential future roadway improvements. There is continuous connectivity throughout the site and access to both surrounding roadways. Cross access or dedication will be established for the Bunsen Parkway entrance. There is pedestrian connectivity to both street frontages at the entry points and throughout the site; and

WHEREAS, the Louisville Metro Planning Commission further finds, all other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council, **APPROVAL** of the change in zoning from R-4 to R-6 based on the staff report, testimony and the applicant's justification for Case No. 14ZONE1060.

The vote was as follows:

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

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner Butler

ABSTAINING: No one

Landscape Waiver

On a motion by Commissioner White, seconded by Commissioner Jarboe, the following resolution was adopted.

WHEREAS, The waiver will not adversely affect adjacent property owners since the required screening and planting materials will be provided by the applicant; and

WHEREAS, Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for

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appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate specific guidelines of Cornerstone 2020 since the intent of the buffer will be met with the required screening and planting materials; and

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 to allow the buffering to be provided while meeting the parking requirements as well as area for ROW reservation; 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 elimination of a parking row and the associated drive aisle adjacent to Blowing Tree Road.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Landscape Waiver from Chapter 10.2.10 to allow a variable width VUA LBA along the ROW reservation and dedication area for the possible Blowing Tree Road extension based on the staff report, the testimony heard today and the applicant's justification

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

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner Butler

ABSTAINING: No one

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Detailed District Development Plan

On a motion by Commissioner White, seconded by Commissioner Jarboe, the following resolution was adopted.

WHEREAS, There does not appear to be any environmental constraints on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site. There is a potentially eligible historic resource as an example of rural agricultural resources. Historic Preservation staff recommended adaptive re-use of the structure instead of demolition; 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 and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, Open space requirements have been met for the proposed development; and

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

WHEREAS, the 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 **APPROVE** the Detailed District Development Plan and the binding elements listed in the staff report with the following changes agreed to by the applicant's attorney and the City of Hurstbourne Acre's attorney: strike binding element number 8; binding element number 10 will be modified – The developer shall connect to the existing Blowing Tree Road for the sole purpose of allowing locked gate access for emergency responders.; binding element number 11 will be modified – The locked gate access on Blowing Tree Road shall not be modified to allow access to and from the site from Blowing Tree Road as a

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way of accessing Taylorsville Road; binding element number 12 will be stricken; binding element number 13 – The developer shall install MUTCD compliant barriers at the end of Blowing Tree Road, next to lot 123, to prevent current Blowing Tree Road from being extended formally or informally through to Bunsen Parkway; binding element number 17 (added by Commissioner Brown) – The hatched area within the future Bunsen Parkway Corridor shall be dedicated at the owner's expense within 60 days of written request from Public Works for the Kentucky Transportation Cabinet. These are based on the testimony heard today and the applicant's justification.

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 density of the development shall not exceed 14.62 dwelling units per acre (**284 units on 19.43 acres**).
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Develop Louisville Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be

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implemented prior to occupancy of the site and shall be maintained thereafter.

5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide 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.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 19th, 2015 Planning Commission meeting.
- ~~8. As noted and shown on the development plan, there shall be 45' right-of-way reservation for the Blowing Tree Rd extension from the current right-of-way terminus easterly to Bunsen Pkwy. Nothing can be built within this area to prevent or hinder the future extension.~~
9. The proposed zone change will affect a previously undocumented historic resource. Since this site is proposed to be developed, the applicant shall ensure that the site will be documented at the National Register level which includes photographs and a historic context. Staff can provide a list of preservation professionals that would be qualified to complete the type of documentation requested. All materials shall be completed and submitted to Historic Preservation Staff prior to ground disturbance and demolition.
10. The developer shall connect to the existing Blowing Tree Road for the sole purpose of allowing locked gate access for emergency responders

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11. The locked gate access on Blowing Tree Road shall not be modified to allow access to and from the site from Blowing Tree Road as a way of accessing Taylorsville Road.
- ~~12. Apartment dwellers shall access the facility solely through a connection to Bunsen Parkway.~~
13. The developer shall install MUTCD compliant barriers at the end of Blowing Tree Road, next to lot 123, to prevent current Blowing Tree Road from being extended formally or informally through to Bunsen Parkway
14. The developer shall remove the graveled roadway that currently extends Blowing Tree Road north beyond Lot 123, and sod and landscape area.
15. Applicant shall dedicate the area shown as "reserved" on the detailed district development plan to public right of way prior to construction plan approval and agree to maintain the dedicated property until the earlier of such time as Louisville Metro Public Works agrees in writing to accept maintenance of the dedicated property or construction commences on the planned connector road running between Taylorsville Road and Bunsen Parkway (Stony Brook/Blowing Tree).
16. Property owner shall be responsible for the site entrance reconstruction within their property limits to accommodate the future Blowing Tree and Bunsen Pkwy extensions.
17. The hatched area within the future Bunsen Parkway Corridor shall be dedicated at the owner's expense within 60 days of written request from Public Works for the Kentucky Transportation Cabinet.

The vote was as follows:

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

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner Butler

ABSTAINING: No one

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Request: Change in Zoning from R-7 to C-1, District Development Plan and Binding Elements, Variances, and Waivers

Project Name: Family Dollar

Location: 3901 West Market Street

Owner: Leslie and Michael Johnson
3905 West Market Street
Louisville, Ky. 40212

Chalonda Johnson
5510 Dione Court
Louisville, Ky. 40216

Philip Marby, Marby Property Maintenance LLC
3868 Darlene Drive
Louisville, Ky. 40216

Applicant: Edward Allen, The Hutton Company
736 Cherry Company
Chattanooga, TN. 37402

Representative: Bill Bardenwerper
Bardenwerper, Talbott and Roberts
1000 North Hurstbourne
Louisville, Ky. 40223

Jurisdiction: Louisville Metro

Council District: 5 – Cheri Bryant Hamilton

Case Manager: Christopher Brown, 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.)

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Agency Testimony:

01:15:24 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

01:30:36 Mr. Bardenwerper showed renderings/elevations in a power point presentation. He has identified the Family Dollar stores in the west end as compared to the city overall.

The following spoke in opposition to this request:

Mrs. Marvina Marshall, 235 Southwestern Parkway, Louisville, Ky. 40212
Yvonne Harvey, 245 Southwestern Parkway, Louisville, Ky. 40212

Summary of testimony of those in opposition:

01:55:45 Mrs. Marshall is a member of the Shawnee Neighborhood Association. Although the area is underdeveloped, it does not mean that another Family Dollar is warranted. There are too many in the west end. A CVS or Walgreens would be an asset to the community.

2:00:10 Ms. Harvey said she's in the process of starting a petition to submit to the Council person to let her know another Family Dollar is not wanted or needed.

Rebuttal

02:10:42 Mr. Bardenwerper said the stores are placed in densely populated areas.

Deliberation

02:21:19 Commissioner Kirchdorfer said litter is an wide spread issue at other businesses as well as Family Dollar stores and needs to be addressed through education. Commissioner Jarboe told Ms. Marshall and Ms. Harvey if they want to be involved in retail in the west end they can check with Metro Government and the West

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End Dream Team. "Also, you want Family Dollar to succeed because successful retail businesses follow other successful retail businesses."

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-7 to C-1

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

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

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

WHEREAS, The proposal for commercial development is appropriate for the area. The site is an existing C-1 plan certain with R-7 zoning to the west along three adjacent residential properties. The surrounding area is a mix of commercial and residential along the intersection with corner commercial to the east and south. The proposal is for a neighborhood serving commercial use that incorporates into the mix of low and medium density commercial uses mixed with residential along the corridor. The building has little to no setback at the corner intersection. The development respects the massing and spacing of corner commercial structures at the intersection. The proposal

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expands the location of the existing alley along the rear of the site that allows access from South 39th Street. There are a few issues that need to be addressed in regards to **Guideline 1, Community Form**. The proposal does not include on-street parking or parking to the rear of the building. The parking provided on site is to the west side of the proposed building. In addition, the proposal's design is compatible with the scale of existing developments in the corridor, but the materials and style are not consistent with the traditional form that creates a pedestrian level interest through the use of clear glazing and animating features. These issues need to be addressed in regards to the design of the proposal; and

WHEREAS, The proposal complies with **Guideline 3, Compatibility** with the exceptions of the previously identified issues regarding clear glazing in the building design and the animating features along the South 39th Street facade. All other compatibility issues have been addressed. While the proposal constitutes a non-residential expansion into an existing residential area, impacts to existing residences appear to be appropriately mitigated through the use of setbacks, landscaping and screening. The proposal is for a higher density and intensity use and is located along a transit corridor and in an existing activity center with the location being in the identified West Market Commercial area of the Shawnee neighborhood plan. Impacts of lighting, noise and other potential impacts to the existing residential properties to the north and west are appropriately mitigated through the use of landscaping and screening as required by the Land Development Code; and

WHEREAS, The proposal complies with the natural areas guidelines of the Comprehensive Plan under **Guideline 5, Natural Areas and Scenic and Historic Resources** by providing all required tree canopy for the site. Historic Preservation staff has identified issues with the proposal. The demolition of the structures could have an adverse effect on sites potentially eligible for the National Register. Guideline #5 under Community Form/Land Use (Table #3) in the Cornerstone 2020 Comprehensive Plan stresses the protection of historic resources. The applicant has agreed to a binding element requiring documentation and recording of these structures prior to demolition as a mitigation measure; and

WHEREAS, the Louisville Metro Planning Commission finds, the proposal provides for appropriate multi-modal transportation facilities following the Comprehensive Plan under **Guidelines 7 and 8, Circulation and Transportation Facility Design** with full pedestrian connectivity, appropriate access around the development as well as bicycle parking provided to support the proposed uses. The existing network of streets, alleys and sidewalks supports access to surrounding lands to support the appropriate development of adjacent lands. Alley access will also be provided to the site; and

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WHEREAS, the Louisville Metro Planning Commission further finds the proposal appears to comply with all other applicable Guidelines and Policies of Cornerstone 2020.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council, **APPROVAL** of the zoning change from R-7 to C-1 for Case No. 14ZONE1030 based on the applicant's justification statement, discussion and testimony heard today.

The vote was as follows:

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

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner Butler

ABSTAINING: No one

Variance

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

WHEREAS, The requested variance will not adversely affect the public health, safety or welfare since the building will be located near the 0' ROW intersection with sidewalks directly serving the building; and

WHEREAS, The requested variance will not alter the essential character of the general vicinity since the building will be located near the ROW intersection with minimal setback due to the odd angle of the lot; and

WHEREAS, The requested variance will not cause a hazard or nuisance to the public since the building will be located near the 0' ROW intersection with sidewalks to serve the structure; and

WHEREAS, The requested variance will not allow an unreasonable circumvention of the zoning regulations since it follows an established pattern of varying setbacks at the street intersections and the angle of the lot existed prior to current ownership; and

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WHEREAS, The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the shape of the lot makes it difficult to hold a 0' setback along the ROW intersection; and

WHEREAS, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant by requiring a building that would have to follow the odd angle of the lot at the street intersection.

WHEREAS, the Louisville Metro Planning 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 since the shape of the lot existed prior to the zoning regulation.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Variance from Chapter 5.5.1.A.2 to allow the building to exceed the 0 foot corner setback required along South 39th Street and West Market Street, noting that the façade of the building does come up to W. Market and the corner of the building does touch South 39th Street based on the applicant's justification statement, discussion and testimony provided today.

The vote was as follows:

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

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner Butler

ABSTAINING: No one

Waiver #1

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

WHEREAS, The waiver will not adversely affect adjacent property owners since the entrance will connect to the public sidewalk system along West Market Street; and

WHEREAS, Guideline 3, policy 1 calls for new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The waiver will not violate specific guidelines of

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Cornerstone 2020 since it follows the pattern of development within the vicinity and follows the intent of the comprehensive plan by allowing access from both the parking lot and primary street frontage along West Market Street; and

WHEREAS, the Louisville Metro Planning Commission finds, Guideline 3, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since entry will be allowed to the building from both the primary street frontage along West Market Street and the parking 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 since an additional entrance would be required along South 39th Street causing internal layout issues for the building.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Waiver #1, a waiver from Chapter 5.5.1.A.1.b of the Land Development Code to not provide an entrance along both street frontages or corner entrance at ROW intersection noting that the applicant has attempted to put the entrance along Market St. and the façade is part of the mitigating effort; based on the applicant's justification statement, the presentation by staff, the discussion and testimony provided today.

The vote was as follows:

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

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner Butler

ABSTAINING: No one

Waiver #2

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

WHEREAS, the requested waiver will not adversely affect adjacent property owners since the lack of animating features along the street façade has been mitigated by animating features very close to the façade requirement along that side; and

WHEREAS, the waiver will not violate specific guidelines of Cornerstone 2020 since the façade along S. 39th St. does include animating features that closely equal the 75%

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calculation; also noting that the client is providing a great deal of green space along that façade as well; and

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 since the applicant has taken upon themselves to provide certain animating features on the wall

WHEREAS, the Louisville Metro Planning Commission further finds, the applicant has incorporated other design measures, including but not limited to, the additional green space along that corner and the closely approximating animating features.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Waiver #2, a waiver from Chapter 5.6.1.A.1 of the Land Development Code to provide less than the required 75% animating features along the 39th St. façade based on the finding of facts, testimony heard today and discussion in Business Session.

The vote was as follows:

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

NO: Commissioner White

NOT PRESENT AND NOT VOTING: Commissioner Butler

ABSTAINING: No one

Waiver #3

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

WHEREAS, The requested waiver will adversely affect adjacent property owners by not providing visual interest and a human scale that are representative of the form district along West Market Street and South 39th Street. The facades will contain areas of blank space with no clear glazing in the majority of windows and doors to be provided on the building; and

WHEREAS, Guideline 3, policy 1 and 2 calls for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in

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the following circumstances: (1) projects involving residential infill (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features the elimination and reduction of clear glazing creates a blank space and no pedestrian level interest along the major street frontages adjacent to the proposed building; therefore, the waiver will violate specific guidelines of Cornerstone 2020; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since additional clear glazing could be provided along the street frontages without affecting the proposed use; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or would not create an unnecessary hardship on the applicant since additional clear glazing could be provided along the street frontages without affecting the proposed use.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Waiver #3, a waiver from Chapter 5.6.1.C.1 of the Land Development Code to not provide the required 50% clear glazing for windows and doors along both S. 39th St. and W. Market St. based on the applicant's justification statement in their packet, presentation by staff, testimony and discussion in Business Session.

The vote was as follows:

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

NO: Commissioner White

NOT PRESENT AND NOT VOTING: Commissioner Butler

ABSTAINING: No one

Development Plan and Binding Elements

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

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WHEREAS, There does not appear to be any environmental constraints on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site. The applicant will be documenting and recording the identified historic resources on the property; 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 and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, Open space requirements for the proposed development will be provided per the Land Development Code; and

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

WHEREAS, the 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 will be provided to screen adjacent properties. Buildings and parking lots will meet appropriate setbacks. The clear glazing and animating features along the street frontages needs to be considered in regards to the building design; 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 with the exception of the requested waivers, variance and identified technical review issues. The issues regarding building design need to be considered on the site with the proposed development. The identified technical review issues need to be addressed as well to ensure a code compliant development plan and no additional waivers are needed for the proposal.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan as presented; also, delete the existing binding elements paragraph 4, items 1-6 as noted on page 18 of the staff report and instead approve the proposed binding elements paragraph 5, items 1-10, adding items 11 and 12 with binding element 11 to read as follows: Property owners shall be responsible for assuring that the parking lots, sidewalks and landscape areas are kept free of litter and that trash receptacles are provided and regularly emptied. Failure to do so shall be subject to citation as a Binding Element Violation. Binding element number 12 will read as follows: The applicant will provide a split-face block enclosure for the

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trash dumpsters along with a chain link fence front and the colors would be provided for that material to match, as closely as possible, the façade of the existing building based on the items presented today, discussion, presentation by staff and the staff report **SUBJECT** to the following Binding Elements:

Commissioner Brown added, the technical plan issues that are still unresolved need to be addressed prior to plan transmittal. Commissioner Proffitt accepts the amendment and Commissioner Peterson seconded it.

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 8, 320 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to obtaining any permits. 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

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- 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. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 7. 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.
 8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 2nd, 2015 Planning Commission meeting.
 9. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
 10. State Level 1 documentation is required to record all the historic resources on the property. The required elements for the documentation include:
 - a. Archival quality photographs (include digital copies on a CD)
 - b. Completion of Kentucky Historic Resources Inventory Form, including a statement of significance
 - c. A site plan showing the historic resources and property boundary
 11. Property owners shall be responsible for assuring that the parking lots, sidewalks and landscape areas are kept free of litter and that trash

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receptacles are provided and regularly emptied. Failure to do so shall be subject to citation as a Binding Element Violation.

12. The applicant will provide a split-face block enclosure for the trash dumpsters along with a chain link fence front and the colors would be provided for that material to match, as closely as possible, the façade of the existing building

The vote was as follows:

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

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner Butler

ABSTAINING: Commissioner White

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CASE NO. 14ZONE1055

Request: Change in Zoning from C-1 to C-2, Detailed District Development Plan and Binding Elements, and Waivers

Project Name: Berry Auto Sales
Location: 1504 – 1506 Berry Boulevard
Louisville, Ky. 40215

Owner: Abdallah Badouan
6919 Rock Hollow Drive
Louisville, Ky. 40219

Applicant: J.L. McCoy & Co., LLC
Jonathan L. McCoy
426 Watt Street, Suite B
Jeffersonville, In. 47130

Representative: J.L. McCoy & Co., LLC
Jonathan L. McCoy
426 Watt Street, Suite B
Jeffersonville, In. 47130

Jurisdiction: Louisville Metro
Council District: 15 – Marianne Butler
Case Manager: David B. Wagner – Planner II

NOTE: COMMISSIONERS KIRCHDORFER, PROFFITT AND WHITE LEFT AND DID NOT VOTE ON THIS CASE

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:

02:53:32 Mr. Wagner discussed the case summary, standard of review and staff analysis from the staff report.

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The following spoke in favor of this request:

Abdallah Badouan, 6919 Rock Hollow Drive, Louisville, Ky. 40219
John McCoy, J.L. McCoy & Co., LLC, 426 Watt Street, Suite B, Jeffersonville, Ind.
47130

Summary of testimony of those in favor:

03:04:17 Mr. McCoy said the site has historically been zoned Commercial and will continue with the auto sales facility. The site will have improvements of landscaping and repairs to the parking lot including striping. KTC will not require the entrance on Berry Blvd. to be closed. It's a deal breaker for the applicant to lose that entrance.

The following spoke in opposition to this request:

Kevin Belcher, 3516 Wheeler Avenue, Louisville, Ky. 40215
Ann Belcher, 3516 Wheeler Avenue, Louisville, Ky. 40215

Summary of testimony of those in opposition:

03:07:29 Mr. Belcher said the only thing between his home and the subject site parking lot is Conn Alley. A car lot is very wanted if it's kept clean. Also, when the zoning is changed, can it be changed to a strip club or bar? That will decrease the value of the homes in the neighborhood.

03:09:14 Mrs. Belcher requests fencing the back entrance and leaving the side entrance open. It's a short distance from Conn Alley and Mrs. Belcher says she can see all the driving back and forth into the site, from her kitchen window. Also, the applicant needs to keep the property cleaned and the grass mowed.

3:13:05 Mr. Wagner explained to Mr. and Mrs. Belcher that Adult Entertainment uses aren't allowed in Commercial Zoning Districts but a bar is allowed. Also, the portion Mrs. Belcher wants closed will be screened.

Rebuttal

03:14:44 Mr. Badouan agrees in writing (deed) that there will be no night club, strip club or bar. Mr. Reverman suggests the binding element say no taverns, bars or saloons.

Mr. Badouan said, concerning the fence, he has to follow the city's requirements. Commissioner Brown said he doesn't support removing access from Conn because it is the desired access point.

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Deliberation

03:21:08 Commissioner Brown would like the Berry Blvd. entrance closed, but it's not a Land Development Code requirement for this case. Commissioners Jarboe and Blake stated they don't have a problem with the Berry Blvd. because it's already in place (not being created).

3:31:05 Mr. McCoy said the applicant has no objections to a right-in only off Berry Blvd. but if he can't have the access off Berry Blvd., he's not interested in moving forward with improving the property for a car lot. Also, the access is convenient.

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 C-1 to C-2

3:35:25 On a motion by Commissioner Jarboe, seconded by Commissioner Turner, the following resolution was adopted.

WHEREAS, This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces; and

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WHEREAS, Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has been found for this proposal. The site is located at the intersection of a minor arterial and local level road and has been used and zoned commercial for some time. The proposed use for auto sales will replace the existing use of a restaurant and store. All of these uses are already in the vicinity of this site and the proposal would exchange one neighborhood-serving use for another. On the lot there is an existing building which will remain in its current location and the design of the structure will remain the same. The design of the building is similar to others in the surrounding area, maintaining a residential appearance. Since the site is bordered by right-of-way on three sides, a property perimeter LBA is only required along the western side of the site. The applicant will provide the required LBA, plantings, and 8' privacy fence which will help mitigate any adverse impacts on the adjoining residence. Since landscaping and a striped parking area will be added to the site, the proposal will allow the site to be upgraded and will decrease the amount of impervious surface area. Transportation Review has recommended the access along Berry Boulevard be removed, leaving the access points along Wheeler Avenue and Conn Street to serve the site. There are commercial and office zoning districts at this intersection, including a daycare center across the street. All of the intersections along Berry Boulevard from Taylor Boulevard to Manslick Road have some type of non-residential uses on the corner lots which have established corner lot non-residential uses as a pattern along Berry Boulevard. Since the subject site is already zoned commercially, the re-zoning to C-2 continues this corner commercial pattern along this street; and

WHEREAS, The proposal complies with **Guideline 4 (Open Space)** as there are no open space requirements for this proposal and there are no natural features to integrate into the development; and

WHEREAS, There are no natural areas or habitats to integrate on this site nor are there any historic landmarks. Therefore, the proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**; and

WHEREAS, Compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)** has been found for this proposal. The site has vehicular access by a rear street that functions as an alley, existing facilities to provide pedestrian and bicycle access, and frontage along a transit route. Since the only adjoining property is a residence, cross connectivity has rightfully not been added to the site. Pedestrian connections from the sidewalks to the sidewalk abutting the building have also been provided. However, Transportation Review has recommended that the Berry Boulevard access be closed and access be maintained from the other two rights-of-way; and

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WHEREAS, the Louisville Metro Planning Commission finds, the site is compliant with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as the Air Pollution Control District and MSD have approved the proposal and no other utility has any issues. Existing utility infrastructure will be maintained for the development; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposal is generally compliant with the **North Iroquois Community Plan**. This site will maintain the suggested commercial use of the property per the Community Plan even though it points out areas of "over zoning" along Berry Boulevard. The site has been zoned for commercial uses since at least 1963 and since it is changing from one commercial classification to another, there should be few adverse impacts on surrounding residential properties that won't be mitigated through the added landscaping and screening. The hazardous traffic conditions cause by vehicles turning into and leaving the numerous curb cuts along Berry Boulevard should be lessened by the applicant closing the existing curb cut to Berry Boulevard.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council, **APPROVAL** of Case No. 14ZONE1055, the zoning change from C-1 to C-2 based on the testimony heard today and the staff report, pages 2, 3 and 4.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Peterson, Tomes and Turner

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer, Proffitt and White

ABSTAINING: No one

WAIVER #1

On a motion by Commissioner Jarboe, seconded by Commissioner Turner, the following resolution was adopted.

WHEREAS, The waiver will not adversely affect adjacent property owners because the existing building has been at its current location for many years. The required LBA, plantings, and screening will be provided along all other portions of the lot line shared with the residence to the west; and

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WHEREAS, The waiver will not violate specific guidelines of Cornerstone 2020 for the reasons stated above in the re-zoning comprehensive plan review; and

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 because the existing building has been at its current location for many years and the LBA is only required because of the zoning change; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the existing building would need to be demolished and rebuilt in order to meet the requirement.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Waiver #1 from the Land Development Code 10.2 to encroach into the 15 foot LBA along the west lot line based on the staff report, page 4, testimony heard today and the applicant's justification.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Peterson, Tomes and Turner

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer, Proffitt and White

ABSTAINING: No one

Waiver #2

On a motion by Commissioner Jarboe, seconded by Commissioner Turner, the following resolution was adopted.

WHEREAS, The waiver will not adversely affect adjacent property owners because the pavement has been in place for years and Berry Boulevard lies between the subject site and any adjoining property owners; and

WHEREAS, The waiver will not violate specific guidelines of Cornerstone 2020 for the reasons stated above in the re-zoning comprehensive plan review; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of waiver of the regulation the minimum is necessary to afford relief to the applicant because it will allow the internal site circulation to be maintained as it is currently; and

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WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the pavement has been in existence for some time and allows for a wider driving aisle on the site.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Waiver #2 from the LDC 10.2 to encroach into the 5 foot VUA LBA along Berry Blvd. based on the staff report, pages 4 and 5 and the testimony heard today.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Peterson, Tomes and Turner

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer, Proffitt and White

ABSTAINING: No one

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Jarboe, seconded by Commissioner Turner, the following resolution was adopted.

WHEREAS, The site is already built out and there are no natural resources on the site to conserve; and

WHEREAS, Transportation Review has recommended the Berry Boulevard access be removed to lessen the amount of vehicles turning on and off the street. Otherwise, the site lies along a transit route has multiple access points, and provides for all modes of transportation; and

WHEREAS, No open space is required on this site; and

WHEREAS, MSD has approved the drainage facilities for the site; and

WHEREAS, the Louisville Metro Planning Commission finds, the site design is compatible with existing corner lot commercial site pattern along Berry Boulevard. The existing building and parking lots will remain with additional landscaping and screening to be provided where reasonable. No changes will be made to the building design which will continue to be consistent with non-residential buildings in the vicinity; and

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WHEREAS, the Louisville Metro Planning Commission further finds the proposal complies with the guidelines of the Comprehensive Plan as explained in the review for the re-zoning request.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan based on the staff report, pages 5, 6 and 10 including the change to binding element number 7 to read as follows: There shall be no automobile repair, taverns, saloons or bars permitted on the site; also based on the testimony heard today and **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits, Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A 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

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plans to the office responsible for permit issuance will occur only after receipt of said instrument.

4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 2, 2015 Planning Commission meeting.
7. There shall be no automobile repair, taverns, saloons or bars permitted on the site.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Peterson, Tomes and Turner

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer, Proffitt and White

ABSTAINING: No one

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PUBLIC HEARING

CASE NO. 14AMEND1003_trans

Case Number: 14AMEND1003
Project Name: LDC Round Two Text Amendments, Transportation

CONTINUED FROM THE MARCH 19, 2015 PUBLIC HEARING

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

02:51:00 The commissioners agree that due to the lateness of the day this case will be continued.

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 Peterson, seconded by Commissioner Turner, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case No. 14AMEND1003_trans, Transportation Sub-Committee Final Report to the May 7, 2015 Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Peterson, Tomes and Turner

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer, Proffitt and White

ABSTAINING: No one

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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

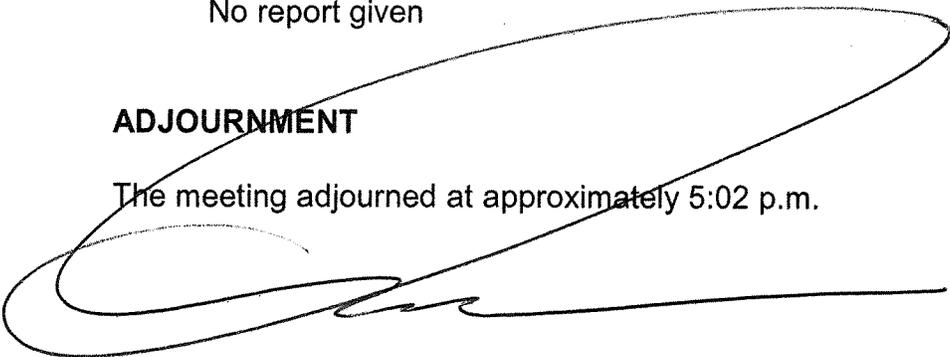
No report given

CHAIRPERSON/DIRECTOR'S REPORT

No report given

ADJOURNMENT

The meeting adjourned at approximately 5:02 p.m.



Chair



Planning Director