

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
January 10, 2019**

A meeting of the Louisville Metro Planning Commission was held on January 10, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Commission members present:**

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

**Commission members absent:**

Donald Robinson

**Staff Members present:**

Emily Liu, Director, Planning and Design Director  
Brian Davis, Planning and Design Manager  
Joe Haberman, Planning and Design Manager  
Julia Williams, AICP, Planning and Design Supervisor  
Cynthia Elmore, Planning and Design Supervisor  
Joel Dock, Planner II  
Beth Stuber, Engineering Supervisor  
Paul Whitty, Legal Counsel  
Pamela M. Brashear, Management Assistant

**Others Present:**

Tony Kelly, Metropolitan Sewer District

The following matters were considered:

**PLANNING COMMISSION MINUTES  
January 10, 2019**

**APPROVAL OF MINUTES**

**DECEMBER 20, 2018 PLANNING COMMISSION REGULAR MEETING MINUTES**

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

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on December 20, 2018.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Lewis and Jarboe**

**NOT PRESENT FOR THIS CASE: Commissioner Daniels, Peterson and Robinson**

**ABSTAINING: Commissioners Howard, Smith and Tomes**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084125**

Request: Demolition Waiver  
Project Name: Beecher Terrace Building 32  
Location: 1000 West Jefferson Street Building 32  
Owner: Louisville Metro Housing Authority  
Applicant: Louisville Metro Housing Authority  
Representative: Louisville Metro Housing Authority  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
**Case Manager: Cynthia Elmore, Historic Preservation Officer**

**Agency Testimony:**

00:17:54 Ms. Elmore discussed the wrecking ordinance (updated) summary dealing with the 11 cases today. The Beecher Terrace buildings have historic status.

**The following spoke in favor of this request:**

Rick Storm, 3407 Stony Springs Circle, Louisville, Ky. 40220  
Jonathan Coats, 173 Fair Oaks Street, Apartment 6, San Francisco, California 94110

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

00:22:43 Mr. Storm said he's here to answer questions.

00:23:11 Commissioner Brown asked if any of the buildings are occupied. Mr. Storm said there are still a few occupants, but no demolition will occur until everyone is relocated. Also, there is a concern for squatters.

00:24:27 Commissioner Daniels asked if construction would occur one block at a time or will all demolition occur before construction. Mr. Storm said they will start at 2A, from Jefferson St. to Liberty St. and then 2B and 2C, from Muhammad Ali Blvd. to 10<sup>th</sup> and 11<sup>th</sup> Streets.

00:26:01 Mr. Coats stated he's here to answer questions regarding the development.

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

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the testimony heard today was adopted.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084125**

**Deliberation**

00:26:30 Planning Commission deliberation.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers for WR1084125, WR1084135, WR1084137, WR1084139, WR1084141, WR1084143, WR1084144, WR1084146, WR1084147, WR1084148 and WR1084150.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084135**

Request: Demolition Waiver  
Project Name: Beecher Terrace Building 33  
Location: 1000 West Jefferson Street Building 33  
Owner: Louisville Metro Housing Authority  
Applicant: Louisville Metro Housing Authority  
Representative: Louisville Metro Housing Authority  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
**Case Manager: Cynthia Elmore, Historic Preservation Officer**

**Agency Testimony:**

00:17:54 Ms. Elmore discussed the wrecking ordinance (updated) summary dealing with the 11 cases today. The Beecher Terrace buildings have historic status.

**The following spoke in favor of this request:**

Rick Storm, 3407 Stony Springs Circle, Louisville, Ky. 40220  
Jonathan Coats, 173 Fair Oaks Street, Apartment 6, San Francisco, California 94110

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

00:22:43 Mr. Storm said he's here to answer questions.

00:23:11 Commissioner Brown asked if any of the buildings are occupied. Mr. Storm said there are still a few occupants, but no demolition will occur until everyone is relocated. Also, there is a concern for squatters.

00:24:27 Commissioner Daniels asked if construction would occur one block at a time or will all demolition occur before construction. Mr. Storm said they will start at 2A, from Jefferson St. to Liberty St. and then 2B and 2C, from Muhammad Ali Blvd. to 10<sup>th</sup> and 11<sup>th</sup> Streets.

00:26:01 Mr. Coats stated he's here to answer questions regarding the development.

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On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the testimony heard today was adopted.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084135**

**Deliberation**

00:26:30 Planning Commission deliberation.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers for WR1084125, WR1084135, WR1084137, WR1084139, WR1084141, WR1084143, WR1084144, WR1084146, WR1084147, WR1084148 and WR1084150.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084137**

Request:	Demolition Waiver
Project Name:	Beecher Terrace Building 34
Location:	1000 West Jefferson Street Building 34
Owner:	Louisville Metro Housing Authority
Applicant:	Louisville Metro Housing Authority
Representative:	Louisville Metro Housing Authority
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
<b>Case Manager:</b>	<b>Cynthia Elmore, Historic Preservation Officer</b>

**Agency Testimony:**

00:17:54 Ms. Elmore discussed the wrecking ordinance (updated) summary dealing with the 11 cases today. The Beecher Terrace buildings have historic status.

**The following spoke in favor of this request:**

Rick Storm, 3407 Stony Springs Circle, Louisville, Ky. 40220  
Jonathan Coats, 173 Fair Oaks Street, Apartment 6, San Francisco, California 94110

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

00:22:43 Mr. Storm said he's here to answer questions.

00:23:11 Commissioner Brown asked if any of the buildings are occupied. Mr. Storm said there are still a few occupants, but no demolition will occur until everyone is relocated. Also, there is a concern for squatters.

00:24:27 Commissioner Daniels asked if construction would occur one block at a time or will all demolition occur before construction. Mr. Storm said they will start at 2A, from Jefferson St. to Liberty St. and then 2B and 2C, from Muhammad Ali Blvd. to 10<sup>th</sup> and 11<sup>th</sup> Streets.

00:26:01 Mr. Coats stated he's here to answer questions regarding the development.

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On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the testimony heard today was adopted.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084137**

**Deliberation**

00:26:30 Planning Commission deliberation.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers for WR1084125, WR1084135, WR1084137, WR1084139, WR1084141, WR1084143, WR1084144, WR1084146, WR1084147, WR1084148 and WR1084150.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**



**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084139**

Request:	Demolition Waiver
Project Name:	Beecher Terrace Building 35
Location:	1000 West Jefferson Street Building 35
Owner:	Louisville Metro Housing Authority
Applicant:	Louisville Metro Housing Authority
Representative:	Louisville Metro Housing Authority
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
<b>Case Manager:</b>	<b>Cynthia Elmore, Historic Preservation Officer</b>

**Agency Testimony:**

00:17:54 Ms. Elmore discussed the wrecking ordinance (updated) summary dealing with the 11 cases today. The Beecher Terrace buildings have historic status.

**The following spoke in favor of this request:**

Rick Storm, 3407 Stony Springs Circle, Louisville, Ky. 40220  
Jonathan Coats, 173 Fair Oaks Street, Apartment 6, San Francisco, California 94110

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

00:22:43 Mr. Storm said he's here to answer questions.

00:23:11 Commissioner Brown asked if any of the buildings are occupied. Mr. Storm said there are still a few occupants, but no demolition will occur until everyone is relocated. Also, there is a concern for squatters.

00:24:27 Commissioner Daniels asked if construction would occur one block at a time or will all demolition occur before construction. Mr. Storm said they will start at 2A, from Jefferson St. to Liberty St. and then 2B and 2C, from Muhammad Ali Blvd. to 10<sup>th</sup> and 11<sup>th</sup> Streets.

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On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the testimony heard today was adopted.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084139**

**Deliberation**

00:26:30 Planning Commission deliberation.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers for WR1084125, WR1084135, WR1084137, WR1084139, WR1084141, WR1084143, WR1084144, WR1084146, WR1084147, WR1084148 and WR1084150.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084141**

Request: Demolition Waiver  
Project Name: Beecher Terrace Building 36  
Location: 1000 West Jefferson Street Building 36  
Owner: Louisville Metro Housing Authority  
Applicant: Louisville Metro Housing Authority  
Representative: Louisville Metro Housing Authority  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
**Case Manager: Cynthia Elmore, Historic Preservation Officer**

**Agency Testimony:**

00:17:54 Ms. Elmore discussed the wrecking ordinance (updated) summary dealing with the 11 cases today. The Beecher Terrace buildings have historic status.

**The following spoke in favor of this request:**

Rick Storm, 3407 Stony Springs Circle, Louisville, Ky. 40220  
Jonathan Coats, 173 Fair Oaks Street, Apartment 6, San Francisco, California 94110

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

00:22:43 Mr. Storm said he's here to answer questions.

00:23:11 Commissioner Brown asked if any of the buildings are occupied. Mr. Storm said there are still a few occupants, but no demolition will occur until everyone is relocated. Also, there is a concern for squatters.

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On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the testimony heard today was adopted.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084141**

**Deliberation**

00:26:30 Planning Commission deliberation.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers for WR1084125, WR1084135, WR1084137, WR1084139, WR1084141, WR1084143, WR1084144, WR1084146, WR1084147, WR1084148 and WR1084150.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084143**

Request:	Demolition Waiver
Project Name:	Beecher Terrace Building 37
Location:	1000 West Jefferson Street Building 37
Owner:	Louisville Metro Housing Authority
Applicant:	Louisville Metro Housing Authority
Representative:	Louisville Metro Housing Authority
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	<b>Cynthia Elmore, Historic Preservation Officer</b>

**Agency Testimony:**

00:17:54 Ms. Elmore discussed the wrecking ordinance (updated) summary dealing with the 11 cases today. The Beecher Terrace buildings have historic status.

**The following spoke in favor of this request:**

Rick Storm, 3407 Stony Springs Circle, Louisville, Ky. 40220  
Jonathan Coats, 173 Fair Oaks Street, Apartment 6, San Francisco, California 94110

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

00:22:43 Mr. Storm said he's here to answer questions.

00:23:11 Commissioner Brown asked if any of the buildings are occupied. Mr. Storm said there are still a few occupants, but no demolition will occur until everyone is relocated. Also, there is a concern for squatters.

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00:26:01 Mr. Coats stated he's here to answer questions regarding the development.

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On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the testimony heard today was adopted.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084143**

**Deliberation**

00:26:30 Planning Commission deliberation.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers for WR1084125, WR1084135, WR1084137, WR1084139, WR1084141, WR1084143, WR1084144, WR1084146, WR1084147, WR1084148 and WR1084150.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084144**

Request:	Demolition Waiver
Project Name:	Beecher Terrace Building 38
Location:	1000 West Jefferson Street Building 38
Owner:	Louisville Metro Housing Authority
Applicant:	Louisville Metro Housing Authority
Representative:	Louisville Metro Housing Authority
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
<b>Case Manager:</b>	<b>Cynthia Elmore, Historic Preservation Officer</b>

**Agency Testimony:**

00:17:54 Ms. Elmore discussed the wrecking ordinance (updated) summary dealing with the 11 cases today. The Beecher Terrace buildings have historic status.

**The following spoke in favor of this request:**

Rick Storm, 3407 Stony Springs Circle, Louisville, Ky. 40220  
Jonathan Coats, 173 Fair Oaks Street, Apartment 6, San Francisco, California 94110

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

00:22:43 Mr. Storm said he's here to answer questions.

00:23:11 Commissioner Brown asked if any of the buildings are occupied. Mr. Storm said there are still a few occupants, but no demolition will occur until everyone is relocated. Also, there is a concern for squatters.

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00:26:01 Mr. Coats stated he's here to answer questions regarding the development.

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On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the testimony heard today was adopted.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084144**

**Deliberation**

00:26:30 Planning Commission deliberation.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers for WR1084125, WR1084135, WR1084137, WR1084139, WR1084141, WR1084143, WR1084144, WR1084146, WR1084147, WR1084148 and WR1084150.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**



**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084146**

Request: Demolition Waiver  
Project Name: Beecher Terrace Building 39  
Location: 1000 West Jefferson Street Building 39  
Owner: Louisville Metro Housing Authority  
Applicant: Louisville Metro Housing Authority  
Representative: Louisville Metro Housing Authority  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
**Case Manager: Cynthia Elmore, Historic Preservation Officer**

**Agency Testimony:**

00:17:54 Ms. Elmore discussed the wrecking ordinance (updated) summary dealing with the 11 cases today. The Beecher Terrace buildings have historic status.

**The following spoke in favor of this request:**

Rick Storm, 3407 Stony Springs Circle, Louisville, Ky. 40220  
Jonathan Coats, 173 Fair Oaks Street, Apartment 6, San Francisco, California 94110

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

00:22:43 Mr. Storm said he's here to answer questions.

00:23:11 Commissioner Brown asked if any of the buildings are occupied. Mr. Storm said there are still a few occupants, but no demolition will occur until everyone is relocated. Also, there is a concern for squatters.

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00:26:01 Mr. Coats stated he's here to answer questions regarding the development.

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On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the testimony heard today was adopted.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084146**

**Deliberation**

00:26:30 Planning Commission deliberation.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers for WR1084125, WR1084135, WR1084137, WR1084139, WR1084141, WR1084143, WR1084144, WR1084146, WR1084147, WR1084148 and WR1084150.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084147**

Request: Demolition Waiver  
Project Name: Beecher Terrace Building 40  
Location: 1000 West Jefferson Street Building 40  
Owner: Louisville Metro Housing Authority  
Applicant: Louisville Metro Housing Authority  
Representative: Louisville Metro Housing Authority  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
**Case Manager: Cynthia Elmore, Historic Preservation Officer**

**Agency Testimony:**

00:17:54 Ms. Elmore discussed the wrecking ordinance (updated) summary dealing with the 11 cases today. The Beecher Terrace buildings have historic status.

**The following spoke in favor of this request:**

Rick Storm, 3407 Stony Springs Circle, Louisville, Ky. 40220  
Jonathan Coats, 173 Fair Oaks Street, Apartment 6, San Francisco, California 94110

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

00:22:43 Mr. Storm said he's here to answer questions.

00:23:11 Commissioner Brown asked if any of the buildings are occupied. Mr. Storm said there are still a few occupants, but no demolition will occur until everyone is relocated. Also, there is a concern for squatters.

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00:26:01 Mr. Coats stated he's here to answer questions regarding the development.

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On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the testimony heard today was adopted.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084147**

**Deliberation**

00:26:30 Planning Commission deliberation.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers for WR1084125, WR1084135, WR1084137, WR1084139, WR1084141, WR1084143, WR1084144, WR1084146, WR1084147, WR1084148 and WR1084150.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084148**

Request:	Demolition Waiver
Project Name:	Beecher Terrace Building 41
Location:	1000 West Jefferson Street Building 41
Owner:	Louisville Metro Housing Authority
Applicant:	Louisville Metro Housing Authority
Representative:	Louisville Metro Housing Authority
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
<b>Case Manager:</b>	<b>Cynthia Elmore, Historic Preservation Officer</b>

**Agency Testimony:**

00:17:54 Ms. Elmore discussed the wrecking ordinance (updated) summary dealing with the 11 cases today. The Beecher Terrace buildings have historic status.

**The following spoke in favor of this request:**

Rick Storm, 3407 Stony Springs Circle, Louisville, Ky. 40220  
Jonathan Coats, 173 Fair Oaks Street, Apartment 6, San Francisco, California 94110

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

00:22:43 Mr. Storm said he's here to answer questions.

00:23:11 Commissioner Brown asked if any of the buildings are occupied. Mr. Storm said there are still a few occupants, but no demolition will occur until everyone is relocated. Also, there is a concern for squatters.

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00:26:01 Mr. Coats stated he's here to answer questions regarding the development.

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On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the testimony heard today was adopted.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084148**

**Deliberation**

00:26:30 Planning Commission deliberation.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers for WR1084125, WR1084135, WR1084137, WR1084139, WR1084141, WR1084143, WR1084144, WR1084146, WR1084147, WR1084148 and WR1084150.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Smith, Tomes and Jarboe**  
**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084150**

Request: Demolition Waiver  
Project Name: Beecher Terrace Building 42  
Location: 1000 West Jefferson Street Building 42  
Owner: Louisville Metro Housing Authority  
Applicant: Louisville Metro Housing Authority  
Representative: Louisville Metro Housing Authority  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
**Case Manager: Cynthia Elmore, Historic Preservation Officer**

**Agency Testimony:**

00:17:54 Ms. Elmore discussed the wrecking ordinance (updated) summary dealing with the 11 cases today. The Beecher Terrace buildings have historic status.

**The following spoke in favor of this request:**

Rick Storm, 3407 Stony Springs Circle, Louisville, Ky. 40220  
Jonathan Coats, 173 Fair Oaks Street, Apartment 6, San Francisco, California 94110

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

00:22:43 Mr. Storm said he's here to answer questions.

00:23:11 Commissioner Brown asked if any of the buildings are occupied. Mr. Storm said there are still a few occupants, but no demolition will occur until everyone is relocated. Also, there is a concern for squatters.

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00:26:01 Mr. Coats stated he's here to answer questions regarding the development.

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On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the testimony heard today was adopted.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**BUSINESS SESSION**

**CASE NO. WR1084150**

**Deliberation**

00:26:30 Planning Commission deliberation.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers for WR1084125, WR1084135, WR1084137, WR1084139, WR1084141, WR1084143, WR1084144, WR1084146, WR1084147, WR1084148 and WR1084150.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**



**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1068**

Request: TO BE CONTINUED TO JANUARY 24, 2019 PUBLIC HEARING  
Change in zoning from C-1 to C-2 with detailed district development plan

Project Name: 2300 Hikes Lane  
Location: 2220-2300 Hikes Lane  
Owner: Crystal Clean Carwash  
Applicant: Kheder Kutmah  
Representative: Kheder Kutmah  
Jurisdiction: Louisville Metro  
Council District: 10 – Pat Mulvihill  
Case Manager: **Joel Dock, AICP, Planner II**

**Discussion**

00:38:10 Mr. Dock said APO notices were sent through the mail, electronic notice was sent and signs were posted, but the applicant failed to post the legal ad. The legal ad will be posted in time for a new hearing date of January 24, 2019.

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

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the January 24, 2019 Planning Commission meeting.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18DEVPLAN1194**

Request: Revised District Development Plan with Amendments to  
Binding Elements  
Project Name: Marathon Oil Warehouse  
Location: 3920 Kramers Lane  
Owner: Marathon Oil Company  
Applicant: Morton Buildings, Inc.  
Representative: Morton Buildings, Inc.  
Jurisdiction: Louisville Metro  
Council District: 1 – Jessica Green  
**Case Manager: Jay Lockett, AICP, Planner I**

**NO ACTION – SCHEDULED FOR JANUARY 24, 2019 PLANNING COMMISSION  
MEETING**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18DEVPLAN1026**

Request: Revised Detailed District Development Plan with tree canopy and landscape waivers  
Project Name: Kameri Auto Sales  
Location: 8500 National Turnpike  
Owner: Sami Kameri  
Applicant: Sami Kameri  
Representative: Milestone Design Group  
Jurisdiction: Louisville Metro  
Council District: 13 – Vicki Aubrey Welch  
**Case Manager: Joel Dock, AICP, Planner II**

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

**Agency Testimony:**

00:34:17 Mr. Dock stated this case was continued from the Dec. 20, 2018 Planning Commission meeting. It needs to be continued again because there are changes as to how the applicant wants to comply with tree canopy requirements. These changes were provided to staff Tuesday and staff needs time to look at the alternative site and review the regulations.

**Deliberation**

00:35:49 Planning Commission deliberation.

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

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the January 24, 2019 Planning Commission meeting.

**The vote was as follows:**

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

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18DEVPLAN1026**

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1068**

Request: Change in zoning from R-4 and OR-2 to PRD and OR-2 with variances, a waiver and a Detailed District Development Plan

Project Name: 4229 Taylorsville Road

Location: 4229 Taylorsville Road

Owner: 4229 SMS LLC

Applicant: 4229 SMS LLC

Representative: Mindel Scott and Associates; Bardenwerper Talbott and Roberts PLLC

Jurisdiction: Louisville Metro

Council District: 18- Marilyn Parker

**Case Manager: Julia Williams, AICP, Planning Supervisor**

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

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

**Agency Testimony:**

01:00:13 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report. Also, there were some changes, so the commissioners will need to refer to the presentation instead of some portions of the staff report. The variance from chapter 5.3.1.D.1.b.v to allow for the rear yards of lots 17-24 to be no less than 15 feet as shown on the development plan is being eliminated (not needed).

**The following spoke in favor of this request:**

John Talbott, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, 2<sup>nd</sup> floor, Louisville, Ky. 40223  
Steve Scott, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

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

01:10:18 Mr. Talbott gave a power point presentation. The proposal will be low intensity, the height will be 1-story and will fit the character of the neighborhood. Deed restrictions were used as binding elements a long time ago. The home will be moved to

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1068**

the front of the property. The lots have no uniformity. There is no need for encroachment in the front yard, the landscaping plan has been upgraded and the 6 foot privacy fence will remain.

01:33:58 Commissioner Howard asked if shrubbery would be added to the Taylorsville Rd. frontage. Mr. Talbott said there's a landscaping plan, so probably a little. Also, will there be a sign for the building? Mr. Scott said the center island sign will probably be a combined sign.

01:36:33 Commissioner Daniels asked where the visitor parking would be located. Mr. Talbott said there will be garages. Mr. Scott added there's 2 spaces at the end of each drive. Also, will there be any sidewalks? Mr. Scott said yes, every unit will have a sidewalk leading to Taylorsville Rd.

01:37:42 Chair Jarboe asked if Planning and Design agrees with removing the binding element for the deed restrictions. Ms. Williams said it's not really a binding element, but a "whereas" statement that fiscal court placed on the property and the property is not planned certain, but pre-planned certain. Mr. Whitty said there's no harm in recommending the removal to Metro Council.

**The following spoke neither for nor against the request:**

Scott Floore, 1816 Ashfield Lane, Louisville, Ky. 40220

**Summary of testimony of those neither for nor against:**

01:40:29 Mr. Floore, Homeowner Association President, stated the applicant/representatives heard and addressed their concerns and should be good neighbors. There is however a concern regarding the landscaping plan presented today – quantity, spacing and maturity of the trees.

**Rebuttal**

01:43:55 Mr. Talbott stated there are no trees now but some will be added. Putting in bigger trees, as requested by Mr. Floore and Commissioner Carlson, will be more expensive, have slow growth rate and may not survive.

Mr. Talbott requests that the Planning Commission recommend approval based on the finding of facts under the Comprehensive Plan 2040.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1068**

01:47:34 Chair Jarboe asked if Cornerstone 2020 or 2040 should be used in the motion. Ms. Williams answered, Cornerstone 2020. Ms. Williams added, binding element 9 refers to the existing house on lot 39 and is now lot 35.

01:49:41 Mr. Talbott said if the hearing is in this year, the findings should be based on the 2040 Comprehensive Plan. Chair Jarboe said it's based on the date filed for an application.

01:50:40 Commissioner Brown asked if a binding element should be added regarding timing of the planting (evergreens). Mr. Scott said they can do it as quickly as practical but will want the pavement and grading done first.

Commissioner Brown also asked for a binding element for the upgraded or enhanced landscaping as well. Mr. Talbott agreed.

**Deliberation**

01:55:34 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 and OR-2 to PRD and R-4 to OR-2**

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Cornerstone 2020 Staff Analysis, testimony heard today and proposed finding of fact was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the change in zoning is not located in a center nor does it create a new center. The proposal is for OR-2 which permits a mix of office and residential uses at a scale that is appropriate for neighborhoods. A third of the property is currently zoned OR-2 and the proposal will reduce that area. Most of the property is proposed to be rezoned to a low density zoning district. The proposal is not a high intensity zoning district but is located on a major arterial. The proposal is located in an area with limited impact on the low density single family residential uses located adjacent to the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal does not create a new center in the NFD.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1068**

The proposal is for the reuse of an existing structure for an office use and the rest of the site to be used for single family. The proposal is compact and is located in an area where it creates an efficient land use pattern because there is other more intense office zoning on site and in the vicinity. The proposal is cost effective for infrastructure because it is low intensity and will utilize the existing Taylorsville Road infrastructure. The proposal is for a mix of compatible uses (office and residential) that could reduce trips. Transit is available along Taylorsville. Sidewalks will be provided. There are bike lanes along Taylorsville Road. The proposal is for new single family residential structures and the re-use of an existing home for an office use. Connections or stubs to adjacent properties are not provided as there are no vacant lots adjacent to the site. The applicant is allowing for shared access between the OR-2 and PRD lots. Utility easements are provided and would allow for extensions to adjacent developments. The site does encourage pedestrian access and future sidewalk connectivity with proposed sidewalks in and around the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the building materials for the single family homes are similar to the building materials found in the area. The proposal is a not a non-residential expansion into a low density single family residential area. APCD has no issues with the proposal. Transportation Planning has not indicated that the proposal will have adverse impacts on traffic. Light trespass requirements of the Land Development Code will adequately mitigate adverse impacts of lighting. The proposal reduces and reconfigures the existing OR-2 zoning. Setback variances and landscape waivers are requested internal to the site and will not affect the adjacent existing residential. Setback variances and landscape waivers are requested internal to the site and will not affect the adjacent existing residential. Parking is not located directly adjacent to existing single family adjacent to the subject site or directly adjacent to a roadway. Signs will be LDC compliant; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because the proposal sets aside open space lots that meet open space standards for the PRD zone; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because staff of Historic Preservation has reviewed the preliminary development plan and found that the proposed zoning change will not affect any known cultural or historic resources. The existing home is being preserved and is eligible for National Register. LOJIC did not identify any wetlands on site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because Transportation Planning is not requiring any roadway



**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1068**

improvements with the proposal. Sidewalks will be provided within the ROW. Sidewalks will be provided along the sites frontage and within the site. A bike lane exists along Taylorsville Road. The adjacent properties are single family residential and the proposal does not indicate connections to these low density sites. No ROW dedication will be required. Adequate parking will be provided. Cross access between the single family and office zoning is provided; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because stub streets are not required. Access to the site is from a major arterial. No new roadways are proposed; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because sidewalks will be provided along the sites frontage and within the site. A bike lane exists along Taylorsville Road; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because MSD has no issues with the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because APCD has no issues with the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because an existing natural corridor is not evident in or around the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because existing utilities serve the site. Adequate water is available to the site. The Health Department has no issues with the proposal.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, Single Family Residential and OR-2, Office Residential to PRD, Planned Residential District and R-4, Single Family Residential to OR-2, Office Residential and release the insurance office deed restriction under Docket No. 9875 because the change in zoning to OR-2, Office Residential is official for any office.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1068**

**Variance from Chapter 5.3.1.D.1.c.iii to allow for pavement and parking to encroach into the 15' front yard.**

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

**WHEREAS**, the variance will not adversely affect the public health, safety or welfare because the front yards for the proposal are all internal to the site and do not affect the aesthetics of the adjacent properties; and

**WHEREAS**, the requested variance will not alter the essential character of the general vicinity because the front yards for the proposal are all internal to the site and do not affect the aesthetics of the adjacent properties; and

**WHEREAS**, the requested variance will not cause a hazard or nuisance to the public because the front yards for the proposal are all internal to the site and do not affect the aesthetics of the adjacent properties; and

**WHEREAS**, the requested variance will not allow an unreasonable circumvention of the zoning regulations because the front yards for the proposal are all internal to the site and do not affect the aesthetics of the adjacent properties; and

**WHEREAS**, the requested variance does arise from special circumstances since the proposal is requesting a mix of housing options, patio style 4-plex single family and attached row house 4-plex single family, where the parking and driveways for the lots are oriented differently than standard single family; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the front yards for the proposal are all internal to the site where the site could not achieve the density and would require a less compact development; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

**Waiver from Chapter 10.2.4 to eliminate the 20' LBA and planting requirements where the OR-2 zoning is adjacent to the PRD zoning**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1068**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since the buffer is internal to the site and is due to the applicant wanting to preserve the existing National Register eligible building; and

**WHEREAS**, Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of 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 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 airborne and waterborne pollutants. The proposal meets the comprehensive plan since the buffer is internal to the site and is due to the applicant wanting to preserve the existing National Register eligible building; 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 buffer is internal to the site and is due to the applicant wanting to preserve the existing National Register eligible building; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant since the buffer is internal to the site and is due to the applicant wanting to preserve the existing National Register eligible building

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** a variance from chapter 5.3.1.D.1.c.iii to allow for pavement and parking to encroach into the 15 foot front yard and a waiver from chapter 10.2.4 to eliminate the 20 foot

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1068**

landscape buffer area and planting requirements where the OR-2 zoning is adjacent to the PRD, Planned Residential District zoning.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Smith, Tomes and Jarboe**  
**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**Detailed District Development plan/Subdivision plan**

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

**WHEREAS**, there do 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 existing house on the site is eligible for National Register and will be preserved on the site in a new location; 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 will be met on the site; and

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

**WHEREAS**, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent roadways. Buildings generally 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.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1068**

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan and Subdivision Plan, **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1068**

- e. A blanket crossover/shared access easement agreement in a form acceptable to the Planning Commission legal counsel shall be created and recorded in the deed restrictions for the site or recorded prior to certificate of occupancy.
- f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

6. 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 January 10, 2019 Planning Commission meeting.
9. The existing house on Lot 35 shall not be demolished. Future exterior renovations of the existing residence shall be reviewed in consultation with the staff of the Metro Landmark Commission.
10. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
11. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1068**

12. All street signs shall be installed by the Developer, and shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
13. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
14. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
15. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
  2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
  3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
16. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1067**

Request: Change in zoning from R-4 to C-1 and CM, form district change from Neighborhood to Suburban Marketplace Corridor, variance, waiver, and revised detailed district development plan

Project Name: Scheller's Fitness and Cycling

Location: 8319 and 8323 Preston Highway

Owner: George Cogan Properties, LLC; GJS Real Estate, LLC

Applicant: Scheller's Fitness and Cycling

Representative: Cardinal Planning and Design, Inc. – Kathy Matheny

Jurisdiction: Louisville Metro

Council District: 24 – Madonna Flood

**Case Manager: Joel Dock, AICP, Planner II**

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

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

**Agency Testimony:**

00:40:31 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Kathy Matheny, 9005 Preston Highway, Louisville, Ky. 40219

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

00:47:51 Ms. Matheny gave a power point presentation. The existing parking lot is a conditional use permit. The existing buffering consists of white pines and an 8 foot privacy fence and firs will be added.

**Deliberation**

00:51:01 Planning Commission deliberation.



**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1067**

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

**Change in Form District from Neighborhood to Suburban Marketplace Corridor**

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Cornerstone 2020 Staff Analysis and the Applicant's Justification was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal integrates into the existing pattern of development as the abutting site is an existing retail and warehouse complex and the subject site will be incorporated into those uses. The retail operation on-site provides accommodations for transit users, pedestrians and bicyclists and public walks are available to connect to adjacent development along the corridor. The parking lot currently serves non-residential uses which are connected to the corridor. The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses as the Northern boundary of impervious surfaces is consistent with abutting structures and parking facilities to the West that abut a lower intensity use and the buffering along the rear is consistent with exiting widths of the complex. No new signage is proposed and curb cuts are present. The proposal is of a medium to high density consistent with uses present on the development site. Landscape transitions have been provided to low density development and an existing fence and required planting material will be provided between the site and multiple family residential zoning districts. The proposal is located within the boundaries of the existing form district; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal does not create a new center. It slightly expands an existing complex along a commercial corridor and provides consistency in zoning districts for the parking lot serving existing commercial uses. The proposal does not entail a retail commercial component. Rather it provides a supportive use for existing retail components on-site and elsewhere. Having a sufficient population is not critical for the proposed use, but there is certainly sufficient population in the area to support of wide variety of commercial uses permitted within the district. The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment as the commercial district is being expanded to incorporate supportive uses utilizing existing access and parking facilities. The proposal adds to an existing mix of compatible land uses that will reduce trips as the proposal would not appear to generate new or greatly increased trip as is supportive to the existing complex

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1067**

of uses. The expansion of the existing commercial district allows for the use of land that is currently not viable for commercial purposes because of its zoning and not practical for residential purposes because of its location along a commercial corridor and lack of quality access. It also allows for the parking lot to be consistent with zoning districts of adjacent and proposed districts. The proposal incorporates into an existing complex of other mixed-uses. The proposal is not a large development in a center. Rather it is an expansion to an existing complex and designed to be compact and multi-purpose. The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns. The warehouse will be secured from the public, while the parking lot will continue providing an existing accessory function. It would appear that the proposal is designed to share utility hookups and service entrances with adjacent developments. The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because proposed structures will not impact public ways and appropriate landscape transitions will be provided. The proposal does not constitute a non-residential expansion into an existing residential area as the area of the rezoning is within the Suburban Marketplace Corridor, a non-residential form district, and located along and incorporated into a commercial corridor. It would not appear that any adverse impacts in the form of odor or emissions would be created. The slight expansion to the commercial district would not appear to significantly increase demand for vehicular or truck traffic. Lighting will be in compliance with LDC 4.1.3. The proposal is a medium to higher intensity, is located along a major arterial roadway with public transit access, and located along a commercial corridor. The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as landscape transitions have been provided to low density development and an existing fence and required planting material will be provided between the site and multiple family residential zoning districts. The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another as landscape transitions have been provided to low density development and an existing fence and required planting material will be provided between the site and multiple family residential zoning districts. The proposal exhibits a similar site design to nearby development along the corridor and with those existing facilities within the complex. A solid fence is being provided and one is also present to minimize adverse impacts of lighting, noise and other potential impacts adjacent to residential properties. The proposed rezoning does not impact the existing street frontage as it is located away from the roadway and to the rear of existing facilities. No new signage is proposed; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because open space as a component of the development is

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1067**

not necessary or required for the proposed use given its situation within an existing complex and along a commercial corridor. There do not appear to be any significant natural features that require incorporation into the development; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because the site does contain sensitive natural features. The proposal does not include the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value as the expansion to the commercial district and proposed building are located adjacent to an existing complex of uses across multiple buildings and does not impact those buildings or their operation. The site does contain potential wetlands/hydric soils; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because the proposed warehouse is located in a cluster adjacent to existing warehouses and retail uses. The proposed rezoning is not expressly for retail commercial purposed but the district itself is appropriately located along an arterial roadway and commercial corridor. Existing uses within the complex are both retail and industrial; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. No improvements were indicated as being necessary. The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation. Where retail or service operations are provided connectivity is available, otherwise the warehouse components are secured from the public. The proposal has adequate transportation facilities in place to serve the development as it is located along a major arterial roadway with sidewalks and TARC route (18 and 45X). Additional right-of-way was not necessary. Parking is sufficient to support the use. The proposal does not impact cross connectivity as the majority of the site is secured from the public and the existing parking serves an existing use; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because no stub roadways are needed as the warehouse operation is secured form the public. Primary access to the site is through areas of similar intensity. The street network (existing or future) is not impacted by the proposal; and

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1067**

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development. There are no significant changes impacting connectivity; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because the proposal has been reviewed by APCD and found to not have a negative impact on air quality; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because the subject site does not contain natural corridors, nor can natural corridors be provided given its location along a high traffic roadway in the midst of commercial uses; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal is located in an area served by existing utilities or planned for utilities. The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the form district change from Neighborhood to Suburban Marketplace Corridor on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**Zoning Change from R-4 to C-1 and C-M**

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Cornerstone 2020 Staff Analysis and Applicant's Justification was adopted.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1067**

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal integrates into the existing pattern of development as the abutting site is an existing retail and warehouse complex and the subject site will be incorporated into those uses. The retail operation on-site provides accommodations for transit users, pedestrians and bicyclists and public walks are available to connect to adjacent development along the corridor. The parking lot currently serves non-residential uses which are connected to the corridor. The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses as the Northern boundary of impervious surfaces is consistent with abutting structures and parking facilities to the West that abut a lower intensity use and the buffering along the rear is consistent with existing widths of the complex. No new signage is proposed and curb cuts are present. The proposal is of a medium to high density consistent with uses present on the development site. Landscape transitions have been provided to low density development and an existing fence and required planting material will be provided between the site and multiple family residential zoning districts. The proposal is located within the boundaries of the existing form district; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal does not create a new center. It slightly expands an existing complex along a commercial corridor and provides consistency in zoning districts for the parking lot serving existing commercial uses. The proposal does not entail a retail commercial component. Rather it provides a supportive use for existing retail components on-site and elsewhere. Having a sufficient population is not critical for the proposed use, but there is certainly sufficient population in the area to support of wide variety of commercial uses permitted within the district. The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment as the commercial district is being expanded to incorporate supportive uses utilizing existing access and parking facilities. The proposal adds to an existing mix of compatible land uses that will reduce trips as the proposal would not appear to generate new or greatly increased trip as is supportive to the existing complex of uses. The expansion of the existing commercial district allows for the use of land that is currently not viable for commercial purposes because of its zoning and not practical for residential purposes because of its location along a commercial corridor and lack of quality access. It also allows for the parking lot to be consistent with zoning districts of adjacent and proposed districts. The proposal incorporates into an existing complex of other mixed-uses. The proposal is not a large development in a center. Rather it is an expansion to an existing complex and designed to be compact and multi-purpose. The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns. The warehouse will be secured from the public, while the parking lot will continue providing an existing accessory function. It

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1067**

would appear that the proposal is designed to share utility hookups and service entrances with adjacent developments. The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because proposed structures will not impact public ways and appropriate landscape transitions will be provided. The proposal does not constitute a non-residential expansion into an existing residential area as the area of the rezoning is within the Suburban Marketplace Corridor, a non-residential form district, and located along and incorporated into a commercial corridor. It would not appear that any adverse impacts in the form of odor or emissions would be created. The slight expansion to the commercial district would not appear to significantly increase demand for vehicular or truck traffic. Lighting will be in compliance with LDC 4.1.3. The proposal is a medium to higher intensity, is located along a major arterial roadway with public transit access, and located along a commercial corridor. The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as landscape transitions have been provided to low density development and an existing fence and required planting material will be provided between the site and multiple family residential zoning districts. The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another as landscape transitions have been provided to low density development and an existing fence and required planting material will be provided between the site and multiple family residential zoning districts. The proposal exhibits a similar site design to nearby development along the corridor and with those existing facilities within the complex. A solid fence is being provided and one is also present to minimize adverse impacts of lighting, noise and other potential impacts adjacent to residential properties. The proposed rezoning does not impact the existing street frontage as it is located away from the roadway and to the rear of existing facilities. No new signage is proposed; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because open space as a component of the development is not necessary or required for the proposed use given its situation within an existing complex and along a commercial corridor. There do not appear to be any significant natural features that require incorporation into the development; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because the site does not contain sensitive natural features. The proposal does not include the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value as the expansion to the commercial district and proposed building are located adjacent to an existing complex of uses across multiple

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1067**

buildings and does not impact those buildings or their operation. The site does contain potential wetlands/hydric soils; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because the proposed warehouse is located in a cluster adjacent to existing warehouses and retail uses. The proposed rezoning is not expressly for retail commercial purposes but the district itself is appropriately located along an arterial roadway and commercial corridor. Existing uses within the complex are both retail and industrial; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. No improvements were indicated as being necessary. The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation. Where retail or service operations are provided connectivity is available, otherwise the warehouse components are secured from the public. The proposal has adequate transportation facilities in place to serve the development as it is located along a major arterial roadway with sidewalks and TARC route (18 and 45X). Additional right-of-way was not necessary. Parking is sufficient to support the use. The proposal does not impact cross connectivity as the majority of the site is secured from the public and the existing parking serves an existing use; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because no stub roadways are needed as the warehouse operation is secured from the public. Primary access to the site is through areas of similar intensity. The street network (existing or future) is not impacted by the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development. There are no significant changes impacting connectivity; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD; and

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1067**

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because the proposal has been reviewed by APCD and found to not have a negative impact on air quality; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because the subject site does not contain natural corridors, nor can natural corridors be provided given its location along a high traffic roadway in the midst of commercial uses; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal is located in an area served by existing utilities or planned for utilities. The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, Single Family Residential to C-1, Commercial and CM, Commercial Manufacturing on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Smith, Tomes and Jarboe**  
**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**Waiver of Land Development Code (LDC), section 10.2.4 for building and vehicle use area encroachments as shown on the development plan**

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

**WHEREAS**, the waiver will not adversely affect adjacent property owners as all planting material and screening will be provided as required; and

**WHEREAS**, the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials,



**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1067**

height restrictions, or setback requirements. Guideline 3, Policy 22 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. The proposed encroachments are a result of the limited area of development and existing conditions. All planting material and screening will be provided as required; 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 as existing conditions and the limited area available for development at this location prevent full compliance; 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 as existing conditions and limited area available for development prevent full compliance with the regulation. All planting and screening material will be provided.

**Variance from LDC, section 5.3.2 to reduce non-residential to residential setback from 25' to 10' as shown on the development plan**

**WHEREAS**, the requested variance will not adversely affect the public health, safety or welfare as pedestrian and vehicular mobility are not impacted and the warehouse is secured from the public on all sides; and

**WHEREAS**, the requested variance will not alter the essential character of the general vicinity as the existing structures and parking facilities along this same property line are located in closer proximity to the property line than the proposed structure; and

**WHEREAS**, the requested variance will not cause a hazard or nuisance to the public as sight lines for the movement of pedestrians and motorists are not impacted and no projection creating a hazard are proposed; and

**WHEREAS**, the requested variance will not allow an unreasonable circumvention of the zoning regulations as the variance will allow for the reasonable use of a vacant parcel for incorporation into an existing operation; and

**WHEREAS**, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the land area is limited in size which significantly impacts the use of the land for incorporation with adjacent uses; and

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1067**

**WHEREAS**, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as no hazards or adverse impacts on adjacent properties are created; and

**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 as no development has occurred.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** a waiver of the Land Development Code, section 10.2.4 for building and vehicle use area encroachments as shown on the development plan and a variance from the Land Development Code, section 5.3.2 to reduce non-residential to residential setback from 25 feet to 10 feet as shown on the development plan.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **ABANDON** Docket No. B-182-93 CUP, conditional use permit because it's no longer necessary within the requested C-1, Commercial zoning district.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**Revised Detailed District Development Plan**

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the development plan being in order and testimony heard today was adopted.

**WHEREAS**, the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. The

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1067**

proposed development site does not appear to have any significant natural or historic features; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as all accommodations required of the developer to support movement of pedestrians and vehicles will be provided. The proposal warehouse is secured from the public and the parking lot serves existing uses; and

**WHEREAS**, open space is not required or necessary for the proposed development as it is located along a commercial corridor and provides supportive uses to adjacent facilities; 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 development is compatible with existing and projected development of the area as the proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as landscape transitions have been provided to low density development and an existing fence and required planting material will be provided between the site and multiple family residential zoning districts; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposed development plan conforms to the Comprehensive Plan as the proposal integrates into the existing pattern of development as the abutting site is an existing retail and warehouse complex and the subject site will be incorporated into those uses. The proposal includes a compact group of buildings using the same curb cut, parking and signs, and that have a common buffering. The proposal adds to an existing mix of compatible land uses that will reduce trips as the proposal would not appear to generate new or greatly increased trip as is supportive to the existing complex of uses. The proposal is a medium to higher intensity, is located along a major arterial roadway with public transit access, and located along a commercial corridor.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1067**

upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. No outdoor advertising signs, small freestanding signs, pennants, balloons, streamers or banners shall be permitted on the site.
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. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A minor plat shall be recorded creating the lots as shown on the approved development plan.
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.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 17ZONE1067**

7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 15, 2007 and January 10, 2019 public hearings.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1053**

Request: Change in zoning from R-4, R-5 and M-2 to C-1, form district change from Neighborhood to Suburban Marketplace Corridor, waiver, and revised detailed district development plan

Project Name: Montgomery Realtors Office Building  
Location: 4734 -4740 Dixie Highway and 1805-1807 Kingsford Drive  
Owner: Shaw Real Estate, LLC  
Applicant: Shaw Real Estate, LLC  
Representative: Blomquist Design Group, LLC  
Jurisdiction: Louisville Metro  
Council District: 12 – Rick Blackwell  
**Case Manager: Joel Dock, AICP, Planner II**

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

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

**Agency Testimony:**

02:05:08 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

Mr. Dock said there's an additional binding element that was not presented at the LD&T meeting.

02:12:19 Commissioner Brown mentioned adding Special Access Management Permitting Regulations for Dixie Highway to the Land Development Code. Is that a Dixie Highway Master Plan or a separate regulation in the works? Ms. Liu said it will be discussed at the next Planning Committee meeting on Monday and will be an appendix to the LDC.

**The following spoke in favor of this request:**

Marv Blomquist, Blomquist Design Group, 10529 Timberwood Circle, Suite D, Louisville, Ky. 40223

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

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1053**

02:14:14 Mr. Blomquist provided background information. Everything will be cleaned up and connectivity provided. The waiver is necessary so the parking is not lost. The one thing that has changed is the material - from Bedford stone (outdated) to hardy plank. The work on Dixie Hwy. is done. There will be shared access agreements.

02:19:09 Chair Jarboe asked, why isn't the internal drive lane leading to Dixie Hwy. a right-turn only because there is no way to make a left? Mr. Blomquist said he doesn't know if it will be required or not.

**Deliberation**

02:19:56 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.**

**Change in Form from Neighborhood to Suburban Marketplace Corridor**

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the Cornerstone 2020 Staff Analysis and testimony heard today was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposed zoning district is consistent with the existing pattern of development surrounding the corridor which includes a mixture of medium- to high- intensity and density uses. The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments. Bike parking, pedestrian connection to the corridor and internal circulation will be provided with this development. The proposal includes a compact group of buildings using the same parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses. The existing conditions remain relatively unchanged and include a mix of compact uses that are interconnected. Future development of a vacant portion will entail connectivity amongst the existing uses. Minimal site improvements are proposed. The district itself is medium- to high-density compatible with surrounding zoning districts and the corridor as a whole. The proposal will be located within the boundaries of the marketplace form district. The marketplace corridor will be expanded to encompass the entirety of the development site, including a vacant area for future development. The proposal allows

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1053**

for the cohesive redevelopment of vacant land and existing development consistent with the corridor and its uses. It does not entail the disruption of residential areas as landscape transitions are zone based and protections for residences are afforded in the marketplace. The development is LDC compliant with the exception of appropriately requested relief; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal does not create a new center and increases the site's zoning district within the corridor by eliminating industrial uses and right-zoning existing parking facilities. The Dixie Hwy corridor is surrounded by residential development and has good accessibility from other parts of the city. The proposed development will allow for additional non-residential expansion along the corridor which serves to concentrate commercial uses. The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place as residential, medical, and office uses are present on-site and the change in zoning allows additional concentration of mixed-uses along the corridor. The development site currently contains residential and office uses and the change in zoning allows additional concentration of mixed-uses along the corridor. The proposed development will allow for additional non-residential expansion along the corridor which serves to concentrate commercial uses. The development is focused on serving the corridor. The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements. Minimal improvements are required at this time to conform to the requirements of the LDC. A pedestrian connection has been provided in the area of building and parking improvements; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposed building materials are consistent with existing conditions. The proposal does not constitute a non-residential expansion into an existing residential area as a small portion of development will expand the non-residential aspects of the zoning district within the corridor. However, the depth and existing development pattern of the development site is consistent with adjacent and nearby development along the corridor. The elimination of the industrial district reduces the likelihood of nuisance emissions in the future. Access points nearest residential areas are secondary and serve parking areas furthest from existing development. Lighting will be in compliance with LDC 41.3. Dixie Hwy is a major arterial with transit access and a well-developed commercial corridor. The proposed district is consistent with uses along the corridor. Existing conditions of the parking lot proposed to be rezoned are less than the current required width. Existing screening is located in this area to prevent views upon residential land. Residential uses are often found at the rear of commercial corridors and the zoning change does not present any additional adverse impact upon the residential communities bordering the corridor as the C-1 district is



**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1053**

medium intensity and additional landscaping and setback will be required upon development or redevelopment of the site. Setbacks appear consistent with development along the corridor. Signage on-site will be complaint with Ch.8 of the LDC; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because there are no natural features on-site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because there are no natural features on-site. The proposal reuses existing structures; one being constructed in 1948. No demolition is proposed. The site does not contain significant environmental constraints. The proposal's drainage plans have been approved by MSD; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because Dixie Hwy, a major arterial, is a high traffic commercial corridor. The change allows for mixed-uses to concentrate along the corridor consistently with adjacent and current uses of the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. Minimal site improvements limit roadway or other public improvements required. Minimal site improvements limit multi-modal facility improvements required. The site provides bike racks and pedestrians connections to the corridor, however. The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands Access is currently internally circulated and will connect with the future development of vacant areas. No right-of-way was required of this proposal. Adequate parking is present on-site for existing uses. The proposal provides for joint and cross access through the development and to connect to adjacent development sites; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because access is from an existing commercial corridor through areas of similar intensity. This proposal is located on an existing roadway network that is sufficient; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD; and

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1053**

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because the proposal has been reviewed by APCD and found to not have a negative impact on air quality; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal is located in an area served by existing utilities or planned for utilities. The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the form district change from Neighborhood to Suburban Marketplace Corridor on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**Zoning Change from R-4, R-5 and M-2 to C-1**

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the Cornerstone 2020 Staff Analysis and testimony heard today was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposed zoning district is consistent with the existing pattern of development surrounding the corridor which includes a mixture of medium- to high- intensity and density uses. The proposal provides accommodations for transit users, pedestrians and bicyclists and provides connectivity to adjacent developments. Bike parking, pedestrian connection to the corridor and internal circulation will be provided with this development. The proposal includes a compact group of buildings using the same parking and signs, and that have a common buffering or streetscape plan with respect to any abutting lower density or intensity uses. The existing conditions remain relatively unchanged and include a mix of compact uses that are interconnected. Future development of a vacant portion will entail connectivity amongst the existing uses. Minimal site improvements are proposed. The district itself is medium- to high-density compatible with surrounding zoning districts and the corridor as a whole. The proposal will be located within the boundaries of the marketplace form

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1053**

district. The marketplace corridor will be expanded to encompass the entirety of the development site, including a vacant area for future development. The proposal allows for the cohesive redevelopment of vacant land and existing development consistent with the corridor and its uses. It does not entail the disruption of residential areas as landscape transitions are zone based and protections for residences are afforded in the marketplace. The development is LDC compliant with the exception of appropriately requested relief; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal does not create a new center and increases the site's zoning district within the corridor by eliminating industrial uses and right-zoning existing parking facilities. The Dixie Hwy corridor is surrounded by residential development and has good accessibility from other parts of the city. The proposed development will allow for additional non-residential expansion along the corridor which serves to concentrate commercial uses. The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place as residential, medical, and office uses are present on-site and the change in zoning allows additional concentration of mixed-uses along the corridor. The development site currently contains residential and office uses and the change in zoning allows additional concentration of mixed-uses along the corridor. The proposed development will allow for additional non-residential expansion along the corridor which serves to concentrate commercial uses. The development is focused on serving the corridor. The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements. Minimal improvements are required at this time to conform to the requirements of the LDC. A pedestrian connection has been provided in the area of building and parking improvements; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposed building materials are consistent with existing conditions. The proposal does not constitute a non-residential expansion into an existing residential area as a small portion of development will expand the non-residential aspects of the zoning district within the corridor. However, the depth and existing development pattern of the development site is consistent with adjacent and nearby development along the corridor. The elimination of the industrial district reduces the likelihood of nuisance emissions in the future. Access points nearest residential areas are secondary and serve parking areas furthest from existing development. Lighting will be in compliance with LDC 41.3. Dixie Hwy is a major arterial with transit access and a well-developed commercial corridor. The proposed district is consistent with uses along the corridor. Existing conditions of the parking lot proposed to be rezoned are less than the current required width. Existing screening is located in this area to prevent views upon residential land. Residential uses are often found at the rear

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1053**

of commercial corridors and the zoning change does not present any additional adverse impact upon the residential communities bordering the corridor as the C-1 district is medium intensity and additional landscaping and setback will be required upon development or redevelopment of the site. Setbacks appear consistent with development along the corridor. Signage on-site will be compliant with Ch.8 of the LDC; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because there are no natural features on-site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because there are no natural features on-site. The proposal reuses existing structures; one being constructed in 1948. No demolition is proposed. The site does not contain significant environmental constraints. The proposal's drainage plans have been approved by MSD; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because Dixie Hwy, a major arterial, is a high traffic commercial corridor. The change allows for mixed-uses to concentrate along the corridor consistently with adjacent and current uses of the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. Minimal site improvements limit roadway or other public improvements required. Minimal site improvements limit multi-modal facility improvements required. The site provides bike racks and pedestrians connections to the corridor, however. The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands Access is currently internally circulated and will connect with the future development of vacant areas. No right-of-way was required of this proposal. Adequate parking is present on-site for existing uses. The proposal provides for joint and cross access through the development and to connect to adjacent development sites; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because access is from an existing commercial corridor through areas of similar intensity. This proposal is located on an existing roadway network that is sufficient; and

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1053**

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because the proposal has been reviewed by APCD and found to not have a negative impact on air quality; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal is located in an area served by existing utilities or planned for utilities. The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, Single Family Residential, R-5, Single Family Residential and M-2, Manufacturing to C-1, Commercial on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**Waiver of Land Development Code (LDC), section 10.2 to reduce landscape buffer area for existing vehicle use area**

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

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the waiver is the result of existing conditions and screening is currently provide to protect views of the residences; and

**WHEREAS**, the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials,

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1053**

height restrictions, or setback requirements. Guideline 3, Policy 22 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. The waiver is the result of existing conditions and screening is currently provide to protect views of the residences; 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 as existing conditions necessitate the request; 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 as existing conditions necessitate the request.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** a waiver of the Land Development Code, section 10.2 to reduce landscape buffer area for existing vehicle use area.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**Revised Detailed District Development Plan and Binding Elements**

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the rezoning action recommended for approval to the Louisville Metro Council, the Standard of Review and Staff Analysis and testimony heard today was adopted.

**WHEREAS**, the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. The proposed development site does not appear to have any significant natural or historic features. A structure on site was built in 1948 and currently serves in an office capacity. No demolition is proposed; and

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1053**

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided. Minimal site improvements limit multi-modal facility improvements required. The site provides bike racks and pedestrians connections to the corridor. Additionally, parking lots are interconnected; and

**WHEREAS**, open space is not required of the proposed development. It is located along a commercial corridor; 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 development is compatible with existing and projected development of the area as the development is consistent with the existing pattern of development surrounding the corridor which includes a mixture of medium- to high- intensity and density uses. Existing conditions remain relatively unchanged and include a mix of compact uses that are interconnected. Setbacks appear consistent with development along the corridor; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposed development plan conforms to the Comprehensive Plan as demonstrated in the Cornerstone 2020 Staff Analysis provided as *Attachment 3* of this report.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby abandon the existing conditional use permit and **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1053**

3. No outdoor advertising signs, small freestanding signs, pennants, balloons, streamers 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. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between each site as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
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.

**The vote was as follows:**



**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1053**

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

**NOT PRESENT AND NOT VOTING: Commissioner Robinson**

**PLANNING COMMISSION MINUTES**  
**January 10, 2019**

**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**

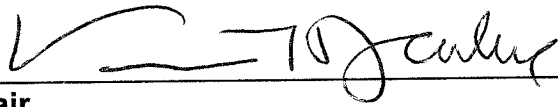
No report given.

**CHAIRPERSON/DIRECTOR'S REPORT**

No report given.

**ADJOURNMENT**

The meeting adjourned at approximately 3:28 p.m.



**Chair**



**Planning Director**