

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION MEETING  
May 20, 2021**

A meeting of the Louisville Metro Planning Commission was held on Thursday, May 20, 2021 via Webex.

**Commissioners present:**

Jeff Brown  
Jim Mims  
Marilyn Lewis  
Patricia Clare  
Rich Carlson  
Rob Peterson  
Ruth Daniels  
Te'Andre Sistrunk  
Lula Howard  
Patricia Seitz, arrived 1:08 p.m.

**Commissioners absent:**

None.

**Staff members present:**

Joe Reverman, Assistant Director, Planning & Design Services  
Brian Davis, Planning & Design Manager  
Julia Williams, Planning Supervisor  
Dante St. Germain, Planner II  
Joel Dock, Planner II  
Molly Clark, Planner I  
Jay Lockett, Planner I  
Zach Schwager, Planner I  
Laura Ferguson, Assistant County Attorney  
Chris Cestaro, Management Assistant

The following matters were considered:

**PLANNING COMMISSION MINUTES**  
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**APPROVAL OF MINUTES**

**Approval of the Minutes for the April 28, 2021 Planning Commission special meeting.**

00:04:30 On a motion by Commissioner Howard, seconded by Commissioner Mims, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the Planning Commission special meeting conducted on April 28, 2021.

**The vote was as follows:**

**YES: Commissioners Sistrunk, Peterson, Clare, Carlson, Howard, Lewis.**

**ABSTAIN: Commissioners Daniels, Brown, Mims.**

**NOT PRESENT: Commissioner Seitz.**

**Approval of the Minutes for the May 6, 2021 Planning Commission meeting.**

00:06:15 On a motion by Commissioner Howard, seconded by Commissioner Peterson, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the Planning Commission meeting conducted on May 6, 2021.

**The vote was as follows:**

**YES: Commissioners Browns, Mims, Sistrunk, Peterson, Clare, Carlson, Howard, Lewis.**

**ABSTAIN: None.**

**NOT PRESENT: Commissioner Seitz.**

**PLANNING COMMISSION MINUTES**  
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**CONSENT AGEDA**

**CASE NO. 21-STRCLOSURE-0008**

Request: Closure of Public Right-of-Way  
Project Name: Closure of Public Right-of-Way  
Location: Cedar Creek Road (between 7509 and 7710 Cedar Creek Road)  
Owner: Louisville Metro  
Applicant: Hogan Real Estate  
Jurisdiction: Louisville Metro  
Council District: 22 – Robin Engel  
**Case Manager: Joel Dock, AICP, Planner II**

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

**Agency Testimony:**

00:08:55 Joel Dock said he had nothing else to add.

**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 Seitz, the following resolution, based on the staff report and staff's testimony, was adopted:

**WHEREAS**, adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant's representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. AT&T will require a 15' X 140' easement with access to the cables for the closure of this section of road, and

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

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**CONSENT AGEDA**

**CASE NO. 21-STRCLOSURE-0008**

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

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

**WHEREAS**, there are no other relevant matters to be considered by the Planning Commission; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested Case No. 21-STRCLOSURE-0008 be **APPROVED**.

**The vote was as follows:**

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**CONSENT AGEDA**

**CASE NO. 21-STRCLOSURE-0008**

**YES: Commissioners Brown, Daniels, Mims, Peterson, Seitz, Howard, Clare, Sistrunk, Carlson, and Lewis.**

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**21-DDP-0010**

Request:	Revised Detailed District Development Plan
Project Name:	Proposed Office Building
Location:	1800 Elite Drive
Owner:	HJI Solutions
Applicant:	Mike Hill, LD&D
Representative:	Mike Hill, LD&D
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	<b>Molly Clark, AICP, Planner I</b>

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

**Agency Testimony:**

00:11:45 This case was continued to the Planning Commission because the Development Review Committee lost its quorum prior to hearing the case on May 19, 2021. Molly Clark presented the case (see staff report and recording for detailed presentation). Commissioner Clare noted that it was all single ownership. Commissioner Mims explained the necessitation of the waiver.

**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.**

**Waiver from section 10.2.4.B.8 from the Land Development Code to reduce the required 15 ft side and rear landscape buffer area between PEC zoned properties.**

On a motion by Commissioner Mims, seconded by Commissioner Clare, the following resolution, based on the staff report and testimony taken at the May 19, 2021 Development Review Committee meeting and today’s meeting, was adopted:

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**21-DDP-0010**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since there is an existing 50 ft Woodland Protection Area in between the proposed office and existing single family residential that provides adequate screening, and

**WHEREAS**, Plan 2040 calls for protection of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate, appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances, that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered and ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. 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 applicant has indicated that all buffer and screening requirements will be met within the required 10 FT vehicular use area landscape buffer. The whole site already has a 50 FT Woodland Protection Area that gives the proposed office adequate screening for the adjacent single family residential. The applicant will also be providing the required interior landscape area plantings, and

**WHEREAS**, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the site is limited in size and does not have enough area to provide the required 15 FT wide LBA. The proposed property line also causes the existing tennis courts to encroach in the required 15 FT LBA on the residual tract. The applicant would have to remove or relocate the existing tennis court. The site is constraint in area for proposed lots due to a recorded and existing 50 FT Woodland Protection Area to the West and a 50 FT wide water company easement to the South, and

**WHEREAS**, the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land because the creation of a new lot in this development is constrained by an existing 50 FT Woodland Protection Area and a 50 FT wide water easement making different configurations of a proposed lot difficult. Screening and plantings are being provided through the required VUA/LBA and ILAs; now, therefore be it

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**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** this landscape waiver.

**The vote was as follows:**

**YES: Commissioners Mims, Howard, Clare, Sistrunk, Peterson, Brown, Daniels, Carlson, Seitz and Lewis.**

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

On a motion by Commissioner Mims, seconded by Commissioner Clare, the following resolution, based on the staff report and testimony taken at the May 19, 2021 Development Review Committee meeting and today's meeting, was adopted:

**WHEREAS**, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site, and

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

**WHEREAS**, there are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements, 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 overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks, and

**WHEREAS**, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it



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**21-DDP-0010**

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** this 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. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

~~2. The development shall not exceed 22,874 square feet of gross floor area.~~

2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

3. Construction fencing shall be erected when off-site tree canopy exists within 3' of the common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

4. Before any permit (including but not limited to building, parking lot, change of use or site disturbance permit requested):

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

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

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

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.

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

7. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 10, 2010 Development Review Committee meeting and May 19th, 2021 Development Review Committee Meeting.

9. No idling of trucks shall take place within 200 feet of the single-family residents. No overnight idling of trucks shall be permitted on-site.

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

11. Documentation was provided from the utility authority granting permission to plant small trees and shrubs within the easements, however, the applicant is restricted from planting large hardwood trees, changing the grades, or erecting permanent structures within the easements.

12. All plans setting out Tree Preservation Areas (TPAs), Tree Canopy Protection Areas (TCPAs) and/or Woodland Protection Areas (WPAs) must contain the following notes:

- a. Tree Canopy Protection Areas (TCPA's) identified on this plan represent individual trees and/or portions of the site designed to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be

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permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.

b. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site on which all existing vegetation shall be permanently preserved. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. No further clearing, grading, construction or other land disturbing activity shall take place beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat.

c. Dimension lines have been used on this plan to establish the general location of TPA's, TCPAs, and WPAs and represent minimum distances. The final boundary for each TPA, TCPA, and/or WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.

d. Tree protection fencing shall be erected around all TPAs, TCPA and/or WPAs prior to site disturbance to protect the existing tree stands and their root systems. The encin shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both TCPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.

e. No parking, material storage, or construction activities are permitted within the TPAs, TCPAs or WPAs beyond that allowed for preliminary site investigation work.

f. Clearing necessary to provide access for survey work, rock soundings o other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed twelve (12) feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at breast height (DBH) shall be removed without prior approval by DPDS.

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g. The site shall be developed in accordance with the Woodland Protection Areas (WPAs) delineated on the site plan and related notes. Any modification of the Woodland Protection Areas requires notification of adjoining property owners and LD&T action.

h. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with the binding elements/conditions of approval and/or the approved development plan. The form of such restrictions shall be approved by Planning Commission counsel.

**The vote was as follows:**

**YES: Commissioners Mims, Howard, Clare, Sistrunk, Peterson, Brown, Daniels, Carlson, Seitz and Lewis.**

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**BUSINESS SESSION**

**21-DDP-0027**

Request:	Detailed District Development Plan
Project Name:	Medical Office
Location:	Terra Crossing Blvd
Owner:	JDG 1849, LLC
Applicant:	Marv Blomquist
Representative:	Marv Blomquist
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
<b>Case Manager:</b>	<b>Molly Clark, AICP, Planner I</b>

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

**Agency Testimony:**

00:19:38 This case was continued to the Planning Commission because the Development Review Committee lost its quorum prior to hearing the case on May 19, 2021. Molly Clark presented the case (see staff report and recording for detailed presentation).

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

**Detailed District Development Plan with Binding Elements**

On a motion by Commissioner Clare, seconded by Commissioner Mims, the following resolution, based on the staff report, testimony heard at the May 19, 2021 Development Review Committee, and today's meeting, was adopted:

**WHEREAS**, there are no significant cultural or natural resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site, and

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**21-DDP-0027**

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

**WHEREAS**, there is no open space requirements associated with this request, 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 overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks, and

**WHEREAS**, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

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

All General Plan Binding Elements are applicable to the subject site, in addition to the following:

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

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**21-DDP-0027**

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:

a. The development plan must receive full construction approval from 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. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

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 property owner shall provide a cross over access easement if the property to the South is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.

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**21-DDP-0027**

**The vote was as follows:**

**YES: Commissioners Mims, Howard, Clare, Sistrunk, Seitz, Peterson, Brown, Daniels, Carlson, and Lewis.**



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**BUSINESS SESSION**

**20-MPLAT-0188**

Request: Record Plat Amendment  
Project Name: 1402 Hines Road  
Location: 1402 Hines Road  
Owner: Robin Wesley and Lillian Wesley  
Applicant: Robin Wesley and Lillian Wesley  
Representative: Garber Chilton Engineers and Surveyors  
Jurisdiction: Louisville Metro  
Council District: 19 – Anthony Piagentini  
**Case Manager: Julia Williams, AICP, Planning Supervisor**

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

**Agency Testimony:**

00:23:42 This case was continued to the Planning Commission because the Development Review Committee lost its quorum prior to hearing the case on May 19, 2021. Julia Williams presented the case (see staff report and recording for detailed presentation.) Commissioner Mims commented on fundamentals of the case.

In response to Commissioner’s Lewis question about the third tract, Julia Williams responded that it was a dedication of right-of-way.

Commissioner Brown commented on the bond to permit and other conditions that need to be addressed on the Plat.

Commissioner Brown noted that this was in the system development charge area.

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

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution was adopted:

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**20-MPLAT-0188**

**RESOLVED**, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the June 2, 2021 Development Review Committee meeting.

**The vote was as follows:**

**YES: Commissioners Mims, Peterson, Brown, Clare, Howard, Carlson, Daniels, Seitz, Lewis.**

**NOT PRESENT: Commissioner Sistrunk.**

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**PUBLIC HEARING**

**CASE NO. 20-TNZD-0001**

Request: CONTINUED from the 05/06/21 Planning Commission Hearing - TNZD Map Amendment from General Neighborhood, Single or Two-Family to General Neighborhood, Multi-Family

Project Name: TNZD Map Amendment

Location: 1801 & 1803 S 3rd Street

Owner: Mansard LLC

Applicant: Mansard LLC

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 6 - David James

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

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

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

**Agency Testimony:**

00:31:45 Dante St. Germain explained the applicant requested another continuance to an uncertain date to be heard by the Land Development and Transportation Committee in the event they decide to move the case forward in the future.

**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 Peterson, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to a date uncertain, **ON CONDITION** that it return to the Land Development and Transportation Committee.

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**PUBLIC HEARING**

**CASE NO. 20-TNZD-0001**

**The vote was as follows:**

**YES: Commissioners Clare, Brown, Seitz, Howard, Mims, Carlson, Peterson, Daniels, and Lewis.**

**ABSTAIN: Commissioner Sistrunk.**

**PLANNING COMMISSION MINUTES**  
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**PUBLIC HEARING**

**CASE NO. 20-DDP-0045**

Request: Revised Detailed District Development Plan for multi-family development, with associated Binding Elements and Waivers

Project Name: Providence Point

Location: 2020 Herr Lane

Owner: Providence Point LLC

Applicant: Providence Point LLC

Representative: Bardenwerper, Talbott, & Roberts

Jurisdiction: Louisville Metro

Council District: 7 – Paula McCraney

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

Notices of this public hearing were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

**Agency Testimony:**

00:34:17 Laura Ferguson explained this case was continued to this Planning Commission meeting so there could be a cross examination of David Johnson. The Commissioners were informed that David Johnson would not be at the meeting and that his comments from the April 1, 2021 public hearing be disregarded and not be considered for deliberation.

In response to Commissioner Lewis's question that the public hearing is closed, and this case will be moved on to a business session, Laura Ferguson said that was correct because there would be no cross examination and they are disregarding that testimony.

Dante St. Germain explained the Binding Elements in detail (see video for presentation).

Bill Bardenwerper, Bardenwerper, Talbott & Roberts, 1000 N. Hurstbourne Parkway, Louisville, KY 40223, explained that the applicant and the developer were comfortable with the proposed changes to the Binding Elements.

Dante St. Germain explained the Waivers in detail, their locations, and the action to be taken today (see video for presentation).

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**PUBLIC HEARING**

**CASE NO. 20-DDP-0045**

In response to discussion about Binding Elements, Dante St. Germain and Laura Ferguson explained the applicant's Binding Elements listed in the staff report and how they might relate to future use.

**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.**

Commissioners' deliberation.

**Waiver #1 - Waiver from 10.2.4 to omit the required Landscape Buffer Area (LBA) on the zoning lines internal to the site (20-WAIVER-0079)**

**Waiver #2 - Waiver from 10.2.4.B.3 to allow a utility easement to encroach more than 50% over a required LBA on the front and rear property lines (20-WAIVER-0080)**

**Waiver #3 - Waiver from 10.2.4.B.1 allow parking and drive lanes to encroach into the required LBA along the rear property line (20-WAIVER-0081)**

**Waiver #5 - Waiver from 10.2.4.B.3 to allow a utility easement to encroach more than 50% over a required LBA on the east property line (21-WAIVER-0021)**

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the staff report, testimony heard at today's and all previous meetings, and the applicant's justification, was adopted:

(WAIVER #1)

**WHEREAS**, The waiver will not adversely affect adjacent property owners as the waiver is internal to the site and will permit the site to be utilized as a unified whole, and

**WHEREAS**, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate transitions between adjacent non-compatible uses and uses in different density categories. The adjacent uses on either side of the zoning district lines are identical and in the same density category, and

**WHEREAS**, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as provision of the required LBA would unnecessarily break up the development along the zoning district lines, and

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**WHEREAS**, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the zoning district lines were created passing through the lot, necessitating the subject waiver on each iteration of the plan, and

**WHEREAS**, the waiver will not adversely affect adjacent property owners because, as before when this exact waiver was granted as part of a prior development plan approval, this is a unified plan of development covering 3 different zoning districts. Moreover, when the site was originally rezoned, the three zoning districts (OR-3, CN and C-1) were necessary for the planned uses, but no more. Were the site zoned, for example, to just OR-3 or just C-1, these setbacks would not be required.

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Goals, Objectives and Policies of the 2040 Comp Plan filed with the RDDDP.

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the entirety of it is needed for this proposed apartment project, yet none of the setback requirement serves a purpose in this case.

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant-developer would be deprived of land necessary to accomplish its design, especially at the density proposed to fund the required public infrastructure improvements of Herr Lane road and Ballard High School stormwater basin changes, and

(WAIVER #2)

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the affected adjacent property owner is non-residential in use, and the required plantings will be provided, and

**WHEREAS**, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate transitions between adjacent non-compatible uses. The proposed development is not incompatible with the adjacent commercial use, and

**WHEREAS**, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as neither the required LBA nor the required easements can be moved, and

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**WHEREAS**, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the overlap is necessitated by the creation of drainage easements, which are needed to serve the development, and

**WHEREAS**, the waiver will not adversely affect adjacent properties because the land uses along the opposite side of this properties westerly line are not residential in nature and between the opposing developments all negative impacts, if any, can be or already are fully mitigated. And this site, and the proposed development on it, should not suffer aesthetically or otherwise, given that desired levels of landscaping can still be accommodated on site, and

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Goals, Objectives and Policies of the 2040 Comp Plan filed with RDDDP, and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because much of the easement will remain unaffected by the proposed overlap, and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the cost to the applicant-developer of off-site exactions is significant and has to be paid for with modestly higher density/greater intensity development which this waiver would allow, and

(WAIVER #3)

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the affected adjacent property owner is non-residential in nature and the encroachment will not affect the required planting density.

**WHEREAS**, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate transitions between adjacent non-compatible uses. The proposed development is not incompatible with the adjacent institutional use.

**WHEREAS**, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the encroachment is being made by a drive lane, which is needed to provide connectivity within the development.

**WHEREAS**, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on



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the applicant by requiring a complete re-design of the development, or the omission of some of the parking served by the drive lane.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because one like it was previously granted as part of a prior development plan approval when the required setback was greater than that now. Along this line are an office-retail building, church and parking lots, with good existing screening and buffering, such that the added regulatory setback serves no meaningful purpose.

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Goals, Objectives and Policies of the 2040 Comp Plan filed with the RDDDP, and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because some setbacks will remain along this west line where existing, plus planned new screening and buffering to protect the adjoining retail, office, church and parking uses exist, and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant-developer would be deprived of land necessary to accomplish its design, especially at the density proposed to fund the required public infrastructure improvements to roads and stormwater management systems, and

(WAIVER #5)

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the affected adjacent property owner is non-residential in use, and the required plantings will be provided, and

**WHEREAS**, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate transitions between adjacent non-compatible uses. The proposed development is not incompatible with the adjacent commercial use, and

**WHEREAS**, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as neither the required LBA nor the required easements can be moved, and

**WHEREAS**, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the overlap is necessitated by the creation of drainage easements, which are needed to serve the development, and

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**WHEREAS**, the waiver will not adversely affect adjacent properties because the waiver results from larger than normal drainage easements being requested from MSD in order to address the drainage issues in the overall area. The waiver also does not adversely affect adjacent property owned by the Kentucky Artificial Breeding Association, which is not residential in nature, given that that desired levels of landscaping can still be accomplished on this property line with the main overlap only at the back-side corner, and

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Goals, Objectives and Policies of the 2040 Comp Plan filed with RDDDP, and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because much of the easement will remain unaffected by the proposed overlap which is predominantly at one corner of the property, and

**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the reason for the requested waiver results largely from the increased size of the drainage easements requested from MSD in order to address drainage from the overall surrounding area; now, therefore be it

**RESOLVED** that the Louisville Metro Planning Commission does hereby **APPROVE** the waivers.

**The vote was as follows:**

**YES: Commissioners Clare, Brown, Seitz, Howard, Mims, Carlson, Peterson, and Lewis.**

**ABSTAIN: Commissioners Daniels and Sistrunk.**

**Waiver #4 - Waiver from 5.4.1.G.3 to permit parking and garages to be located closer to the primary street than the façade of the buildings (20-WAIVER-0121).**

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the staff report, testimony heard at today's and all previous meetings, and the applicant's justification, was adopted:

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the design of the garages and parking area is such that landscaping can conceal them, and

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**WHEREAS**, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages the provision of parking that does not create adverse impacts on neighboring residential uses, and to encourages the integration of parking garage facilities into their surroundings so that there is an inviting street-level appearance. The adjacent uses are non-residential, and

**WHEREAS**, the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as the applicant is providing parking in excess of the minimum required, and

**WHEREAS**, the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived because the applicant proposes enhanced landscaping in front of the garages and parking area to screen them from view of the road, and

**WHEREAS**, the waiver will not adversely affect adjacent property owners because there are only 12 garages and the garages are only partially in front of the adjacent multi-family building such that it is a matter of interpretation whether the waiver is even required. This is because more than half of each garage sits further back than the front of the building. The same question of interpretation applies to the 13 parking spaces, which sit further back than the adjacent proposed building to the north, but are in front of the closer building to the south. With the additional proposed landscaping/buffering between these parking spaces and garages and Herr Lane, the end result is the parking being in front of the buildings will not be noticeable and won't affect the adjacent property owners, and

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Plan 2040 Comprehensive Plan filed with the revised detailed district development plan application and will still provide room for the additional landscaping and buffering such that it will not affect any other aspect of this development's compliance with either building Plan 2040, or the requirements of the Land Development Code, and

**WHEREAS**, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the developer already moved the parking spaces and garages back as far as reasonably practical. As previously stated, the parking space and garages are not proposed clearly in front of the multi-family buildings, but rather on the side thereof, but albeit projecting further toward Herr Lane than the building itself. The development plan complies with the intent of the subject regulation, even if not in strict compliance with the way the language is interpreted, and

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**WHEREAS**, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would require moving the buildings further toward Herr Lane, which would cause other adverse effects and will be mitigated by the additional proposed landscaping; now, therefore it be

**RESOLVED** that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver.

**The vote was as follows:**

**YES: Commissioners Brown, Seitz, Howard, Mims, Peterson, and Lewis.**

**NO: Commissioners Clare and Carlson.**

**ABSTAIN: Commissioners Daniels and Sistrunk.**

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

On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the staff report and testimony heard at today's and all previous meetings, was adopted:

**WHERAS**, there do not appear to be any environmental constraints or historic resources on the subject site. The site is undeveloped, and no natural resources appear to exist on the site aside from tree canopy. Tree canopy requirements are being met, and

**WHERAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Louisville Metro Public Works has provided preliminary approval of the plan, and

**WHERAS**, required open space and recreational open space are being provided, and

**WHERAS**, 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

**WHERAS**, the overall site design and land uses are compatible with the existing and future development of the area. Ballard High School is located across the street. Institutional use is located to the rear of the property, and commercial uses are located

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to either side. The site is located near an existing activity center along the Brownsboro Road corridor, and

**WHEREAS**, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan. The proposal would create new housing adjacent to an existing activity center and along a transit line. Residents would be able to easily access neighborhood-serving goods and services. The housing that exists in the neighborhood is largely single-family detached housing. The proposal would increase the variety of housing options and price points in the neighborhood. The plan conforms to requirements of the Land Development Code, with the exception of a requested waivers and variances; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Revised Detailed District Development Plan **ON CONDITION** that the development plan is updated to change the note at the possible future signaled intersection to reference binding element #9 and not binding element #15, **SUBJECT** to the previous binding elements being deleted and adopting 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, 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. Before any permit (including but not limited to building, parking lot, change of use is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.

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- b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  
  - c. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
  
  - d. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district 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.
7. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
8. The Developer / Property Owner shall install a concrete boarding pad and bench pad as indicated on the development plan, and then notify TARC when the construction is complete. TARC will then install a standard bench. In addition, the Developer / Property Owner shall clean the stop as needed.
9. Developer/owner shall install, at its sole expense:

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a. A traffic signal, if warranted by Kentucky Transportation Cabinet (KYTC) standard warranting methods. This shall be done in compliance with all KYTC specifications and requirements at the intersection of Herr Lane with the development and Ballard High School shown on an amended district development plan approved by the Planning Commission; and

b. A left turn lane on Herr lane, as approved by the Kentucky Transportation Cabinet, into both the development and Ballard High School as shown on an amended development plan approved by the Planning Commission.

c. The improvements in 9b. shall be fully installed and operational prior to requesting or the issuance of the certificates of occupancy for the development. For the improvements in 9a., the developer/owner shall, before completion of the project, escrow adequate funding, as determined by KYTC, to potentially construct the improvements within the first 5 years of the issuance of the 468<sup>th</sup> Certificate of Occupancy. Installation of these improvements will be based on the intersection meeting the KYTC Warrants for signalization during this 5-year window. At the conclusion of the 5-year period, if no signal has been constructed and warrants are still not met, the funding will revert to the developer or owner of record of the escrow.

10. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.

**The vote was as follows:**

**YES: Commissioners Brown, Seitz, Howard, Mims, Clare, Carlson, Peterson, and Lewis.**

**ABSTAIN: Commissioners Daniels and Sistrunk.**

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**Case No. 21-FBH-0002**

**Commissioner Seitz left the meeting at approximately 2:30 p.m.**

Request:	Approval of a factory-built housing request that does not conform with one or more of the standards listed in subsection 4.1.2.C of the Land Development Code
Project Name:	Broad Run Road Modular Home
Location:	10551 Broad Run Road
Owner:	Hoofnel Living Trust
Applicant:	Bryan Farmer
Representative:	Bryan Farmer
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
<b>Case Manager:</b>	<b>Zach Schwager, AICP, Planner I</b>

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

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

**Agency Testimony:**

01:28:10 Zach Schwager presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.)

Commissioner Peterson asked what the distance back from the road was. Zach Schwager responded it was about halfway from the side property line.

**The following spoke in support of the request:**

Bryan Farmer, 9013 Admont Court, Louisville, KY 40220

**Summary of testimony those in support:**

Bryan Farmer responded to Commissioner Peterson's question about the cost difference of using a manufactured housing plan with a 5:12 pitched roof versus a 3:12 pitched roof. Farmer responded that the distance from the road was around 100 feet. There was discussion between Commissioner Peterson and Farmer about the roof pitch



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in relation to the Kentucky Residential Code and how it might be affected by ice and snow.

**The following spoke in opposition to the request:**

Darian Rock, 10512 Broad Run Road, Louisville, KY 40299

Ann Sermersheim, 10510 Broad Run Road, Louisville, KY 40299

**Summary of testimony those in opposition:**

Darian Rock expressed concern about the roof pitch of the project, saying it had potential for ice damming and might not be able to handle significant snow accumulation.

Ann Sermersheim is concerned about a modular home in the area particularly with the roof line.

Commissioners Peterson, Mims, and Carlson discussed more regulations in relation to the roof pitch of the home.

**Rebuttal:**

Bryan Farmer acknowledged the concerns of the structural integrity of the home.

In response to Commissioner Peterson's question about the cost savings between the two roof pitch types, Bryan Farmer responded that it would be around several thousand dollars.

**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.**

**Commissioners' deliberation.**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the staff report and testimony at today's hearing, was adopted:

**WHEREAS**, A one-eighth mile buffer was applied to the subject site. There are five properties within the buffer with existing residential structures: 10403 Broad Run Road (lot size 114.8 acres), 10601 Broad Run Road (lot size 74.8 acres), 10512 Broad Run Road (lot size 4.3 acres), 10605 Broad Run Road (lot size 3 acres) and 10510 Broad

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Run Road (lot size 8.5 acres). The surrounding area is used agriculturally with the two immediately adjoining lots exceeding 75 acres each. The types of housing vary. The properties across the street are newer construction (2002) and the immediately adjoining houses were built in 1900 and 1916. The lot sizes and existing variety in housing style contribute to the compatibility of the proposed modular home, and

**WHEREAS**, Guideline 1, Policy 4 strives to ensure new development and redevelopment are compatible with scale and site design of nearby existing development with the desired pattern of development within the Form district. The proposed modular home will not violate specific guidelines of Cornerstone 2040 as the proposal will allow for the residential use of the site in a manner that is appropriate for the form district and surrounding area. The structure will not allow an unreasonable circumvention of the regulations or cause a hazard to the public. Additionally, the Neighborhood Form District regulations state that the form district will contain diverse housing styles and types in order to provide housing choice for differing ages, incomes and abilities; now, therefore it be

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the request.

**The vote was as follows:**

**YES: Commissioners Sistrunk, Clare, Howard, Mims, Carlson, Daniels, Brown, Peterson, and Lewis.**

**NOT PRESENT: Commissioner Seitz.**

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**Case No. 21-STRCLOSURE-0004**

Request:	Closure of Public Right-of-Way
Project Name:	Fegenbush Ln Closure
Location:	Portion of Fegenbush Lane ROW adjacent to 5905 Fegenbush Ln
Owner/Applicant:	Hull St Condominiums
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	<b>Jay Lockett, AICP, Planner I</b>

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

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

**Agency Testimony:**

02:03:10 Jay Lockett presented the case and showed a PowerPoint presentation (See staff report and recording for detailed presentation).

**The following spoke in support of the request:**

Ann Richards, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

**Summary of testimony of those in support:**

Ann Richards went into more detail about the closure of the right-of-way (see video for presentation.)

Ann Richards responded to Commissioner Howard's question about the clarification of the property owner.

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

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**Commissioners' deliberation.**

On a motion by Commissioner Howard, seconded by Commissioner Sistrunk, the following resolution, based on the staff report and testimony at today's hearing, was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed street closure be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Daniels, Mims, Howard, Clare, Sistrunk, Peterson, Brown, Lewis, and Carlson.**

**NOT PRESENT: Commissioner Seitz.**

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**ADJOURNMENT**

**The meeting adjourned at approximately 3:20 p.m.**

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**Chairman**

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**Division Director**