

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
November 2, 2017**

A meeting of the Louisville Metro Planning Commission was held on November 2, 2017 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  
Rich Carlson  
Jeff Brown  
Lula Howard  
Rob Peterson  
Laura Ferguson – Left at approximately 4:00  
Ramona Lindsey  
David Tomes

**Commission members absent:**

Emma Smith

**Staff Members present:**

Emily Liu, Director, Planning and Design Services  
Joseph Reverman, Assistant Director, Planning and Design Services  
Brian Davis, Planning and Design Manager  
Laura Mattingly, AICP, Planner II  
Joel Dock, Planner II  
Paul Whitty, Legal Counsel  
Travis Fiechter, Legal Counsel  
Tony Kelly, MSD  
Tammy Markert, Engineering Supervisor  
Pamela M. Brashear, Management Assistant

The following matters were considered:

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**APPROVAL OF MINUTES**

**OCTOBER 19, 2017 PLANNING COMMISSION REGULAR MEETING MINUTES**

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

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on October 19, 2017.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Lindsey, Peterson and Jarboe**

**NOT PRESENT FOR THIS CASE: Commissioner Smith**

**ABSTAINING: Commissioner Tomes**

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**CONSENT AGENDA**

**EPSC Training**

**Request: EPSC Training**

**Discussion:**

00:11:10 Mr. Reverman informed the committee of a rare type of case to be heard at the Nov. 16, 2017 Planning Commission meeting.

00:11:49 Mr. Bob Stauble, Construction Inspection Manager with MSD, gave a power point presentation explaining the types of cases the Planning Commission will be reviewing.

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

**PLANNING COMMISSION MINUTES**  
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**CONSENT AGENDA**

**CASE NO. 17STREETS1015**

Case No: 17STREETS1015  
Project Name: 729 Franklin Street  
Location: 729 Franklin Street  
Owner(s): Louisville Metro

Applicant: Vendome Copper & Brass Works  
Mike Sherman  
729 Frankfort Street  
Louisville, Ky. 40202

Representative(s): Stites & Harbison, PLLC  
Greg Ehrhard  
400 West Market Street, Suite 1800  
Louisville, Ky. 40202

Sabak, Wilson & Lingo Inc.  
Dennis Kraus  
608 South 3<sup>rd</sup> Street  
Louisville, Ky. 40202

Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
**Case Manager: Joel P. Dock, 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.)

**Discussion**

00:40:36 Mr. Dock stated he's here to answer questions.

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

00:41:29 On a motion by Commissioner Tomes, seconded by Commissioner Howard, the following resolution was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds that based on the staff report and the evidence and testimony presented today, that all of the applicable

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**CONSENT AGENDA**

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guidelines of Cornerstone 2020 and the Land Development Code are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Consent Agenda item 17STREETS1015 based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Lindsey, Peterson, Tomes and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioner Smith**

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**BUSINESS SESSION**

**NOVEMBER 30 MEETING**

**Request:** Schedule LD&T meeting for November 30, 2017  
**Staff Case Manager:** Davis, Brian, Planning Manager

**Discussion**

00:42:32 Mr. Davis stated, "When we approved the calendar this year, we had November 30<sup>th</sup> as either a Planning Commission or LD&T date. It's a fifth Thursday and we do not need it as a Planning Commission date, however, we would like to schedule it as a LD&T date. That would allow us to schedule any potential public hearings for the last Planning Commission meeting of the year."

**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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**BUSINESS SESSION**

**CASE NO. 16ZONE1037**

Request: Schedule Night Hearing  
Project Name: Fairground's Run  
Location: 9213 Fairground Road  
Owner: Brian and Heather Wacker  
Applicant: Superior Builders Inc.  
Representative: Bluestone Engineers PLLC  
Jurisdiction: Louisville Metro  
Council District: 22- Robin Engel  
**Case Manager: Julia Williams, RLA, AICP, Planning Supervisor**  
**Presented By: Davis, Brian, Planning Manager**

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

**Discussion**

00:43:20 Mr. Davis stated this case was scheduled for the November 16, 2017 Planning Commission public hearing, but a petition was received for a night hearing in the district. The request is for November 29, 2017 at the Central Government Center.

**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 Tomes, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **SCHEDULE** a night hearing for November 29, 2017 at the Central Government Center, 6:00 p.m.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Lindsey, Peterson, Tomes and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioner Smith**

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**PUBLIC HEARING**

**CASE NO. 17ZONE1019**

Case No: 17ZONE1019  
Request: R-4 to C-M  
Project Name: Orell Warehouse  
Location: 6605 West Orell Road

Owner: CAT PB, LLC  
Chris Thieneman  
P.O. Box 991064  
Louisville, Ky. 40299

Applicant: CAT PB, LLC  
Chris Thieneman  
P.O. Box 991064  
Louisville, Ky. 40299

Representative: Cliff Ashburner, Dinsmore & Shohl, LLP  
101 South 5<sup>th</sup> Street, Suite 2500  
Louisville, Ky. 40202

Jurisdiction: Louisville Metro  
Council District: 14 – Cindi Fowler  
**Case Manager: Laura L. Mattingly, 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:**

00:46:26 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

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

Cliff Ashburner, Dinsmore and Shohl, LLP, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202  
Chris Thieneman, 7650 Dixie Highway, Louisville, Ky. 40258



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**CASE NO. 17ZONE1019**

Derek Triplett, Land Design and Development, 503 Washburn Avenue, Suite 101,  
Louisville, Ky. 40222

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

00:55:47 Mr. Ashburner gave a power point presentation. The plan has changed and been modified extensively and may have to be refined more if necessary. There is no use for the property at this time.

01:07:17 Mr. Thieneman stated he has worked with the neighbors and Councilwoman Fowler. There was talk about extra berms and extra fencing.

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

Rob Sanders, 8508 Carmil Drive, Louisville, Ky. 40291  
Martha Crisler, 7508 Pony Haven Drive, Louisville, Ky. 40214  
Councilwoman Cindi Fowler, 14206 Pauleys Gap Road, Louisville, Ky. 40272

**Summary of testimony of those in opposition:**

01:25:00 Mr. Sanders stated his main concerns are buffering and truck traffic. Orell Rd. is a safety hazard and there should be signage directing trucks to another entrance and to not use Orell Rd. at all.

01:29:03 Ms. Crisler stated she is representing Conchita Crisler (mother). "Being a property manager, I am very concerned about the ability of renting our properties as this proposal goes forward." Also, there will be too many lights and heavy traffic (safety on Orell Rd.).

01:33:10 Councilwoman Fowler stated she would like to see this plan go forward but the entrance is a problem now and will be greater when trucks are added. The trucks need to be directed to the access easement.

01:35:22 Councilwoman Fowler remarked, "I am trying to dress that part of Dixie Hwy. up and make it a better place for people to live, drive and want to be." Traffic safety is a major issue.

**Rebuttal**

01:37:10 Mr. Ashburner stated, "Part of the reason this site makes sense is that Riverport is trying to develop a phase 5 nearby and there's a railroad that presents some access issues. This site doesn't have those issues and is a good opportunity

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close to existing infrastructure to develop a site like this.” The Land Development Code will cover issues involving garbage collections, loading/unloading and lighting. “Other issues discussed today will be brought up when we come back with the end use.”

01:47:19 Mr. Triplett stated, “We submitted some trip generation numbers to Mr. Dutrow and it was found that we were below the threshold for the study but we were going to go ahead and supply the road widening on Orell on our frontage without going through the traffic study process.” Peak hour generation rates were under 100.

**Deliberation**

01:48:30 Commissioner Carlson agrees with the zoning and form district changes. The issues are the Orell Rd. traffic, entrance and exit. Truck traffic should not use Orell Rd. at all.

Commissioner Howard doesn't think the variances and waiver are necessary because there's no use being proposed. There will be a negative impact for the neighbors waiting for trucks to maneuver on Orell Rd.

Commissioner Lewis stated she is troubled by truck traffic on W. Orell.

Commissioner Brown stated, “The only way to prohibit truck traffic is to not provide an access to Orell Rd. That would be difficult to monitor and enforce.”

Commissioner Ferguson said this case should come back to Planning Commission, not LD&T. Access depends on the end use.

Commissioner Lindsey stated she's not comfortable with the waiver, variances, DDP or entrance because there's no final use.

Commissioner Peterson said his main concern is the semi-truck traffic on Orell Rd. The trucks need to be restricted to Dixie Hwy. only.

Chairman Jarboe remarked, “I like the idea that the zoning is Commercial Manufacturing, but some of the other details haven't been hashed out yet.”

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

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

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

**WHEREAS**, the proposal does include public sidewalks and pedestrian connections; and

**WHEREAS**, the proposal includes improved access and landscaping along Dixie Hwy.; and

**WHEREAS**, while the use is not compatible with those along the corridor as it is not commercial in nature, the site design and buffering from adjacent uses increases its compatibility; and

**WHEREAS**, the proposal is requesting an expansion of the Suburban Marketplace Corridor, but this expansion is justified due to the site design and buffering that decreases the chances of the disruption of the established residential area to the south. Additionally, the proposal includes a private access easement that connects the site directly to Dixie Hwy and relieves the more residential roadway of truck traffic; and

**WHEREAS**, the proposed development complies with the intent of Guideline 1. The subject property is in the Neighborhood form District, which can accommodate workplaces, such as offices or commercial centers. Here, where the site is located adjacent to C-2 commercial property and has been used for commercial uses in the past, the reuse of the subject property as a warehouse is appropriate; and

**WHEREAS**, the applicant proposes to change the form district applicable to the subject property from Neighborhood to Suburban Marketplace Corridor. The subject property has been commercial for many years, operated as a go cart track and driving range and should have been mapped as part of the Suburban Marketplace Corridor some time ago. The property is adjacent to the commercial uses fronting the west side of Dixie Highway and has access to Dixie Highway via a private access easement. The proposed use will not fit on other properties in the corridor, necessitating the expansion of the corridor in this case. The applicant, as detailed below, will address the surrounding land use with appropriate transitions; and

**WHEREAS**, the proposed development complies with the intent and applicable policies of Guideline 2. The subject property is part of an activity center along Dixie Highway north of W. Orell Road and was a former amusement use including a go cart track and driving range. The proposed development includes access to Dixie Highway and W. Orell Road and will contain buffering where there are adjacent, residentially used and zoned properties. The proposed development will be one of only a few workplaces in

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this section of Dixie Highway, giving those who reside in nearby neighborhoods the opportunity to work close to home; and

**WHEREAS**, the proposed development complies with the intent and applicable policies of Guideline 3. The proposed development has been designed with access on Dixie Highway and W. Orell Road near the commercial properties along Dixie Highway. The applicant has also agreed to examine buffering along the residentially used and zoned properties to the south of the subject property and along the rear of the commercial properties along Dixie Highway. The applicant will comply with all Land Development Code requirements on lighting and noise and will examine the impact of traffic on W. Orell Road and its intersection with Dixie Highway. The subject property is adjacent to Dixie Highway and will have access to the transit improvements planned along the corridor. The applicant has further modified its proposal to rezone the property to C-M to allow for more commercial development on the subject property should the proposed development not come to fruition; and

**WHEREAS**, the proposed development complies with the intent and applicable policies of Guidelines 4 and 5. The proposed development will include the required amount of outdoor amenity space. There are no known scenic or historic resources on the subject property; and

**WHEREAS**, the proposed development complies with the intent and applicable policies of Guideline 6. The subject property is located adjacent to Dixie Highway near its intersection with I-265. The subject property formerly was part of an amusement-type use, including a go cart track and golf driving range, and this reinvestment in previously developed property will help to spur other investments in the area; and

**WHEREAS**, the proposed development complies with the intent and applicable policies of Guidelines 7 and 9. The applicant will work with Louisville Metro Public Works and the Kentucky Transportation Cabinet to evaluate the impact the proposed development will have on the area street network. Further, the applicant is locating near existing transit that is proposed for improvement. The proposed development will also provide bicycle parking and sidewalks where required; and

**WHEREAS**, the proposed development complies with the intent and applicable policies of Guidelines 10 and 11. The proposed development will comply with MSD requirements regarding the regional drainage system. These compliance measures will address both quantity and quality storm water leaving the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the proposed development complies with the intent and applicable policies of Guideline 12. The proposed development is located near a major arterial and close to I-265, which will

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connect it with area interstate highways. The proposed development includes bicycle parking. The proposed development is a workplace investment in an area with few but a growing number of workplaces. Locating workplaces near neighborhoods is one way to cut down on transportation-related air pollution; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposed development complies with the intent and applicable policies of Guideline 13. The proposed development will be designed to meet both the tree canopy and landscape buffer area requirements where they will do the most good. The applicant will design the landscape buffers for the proposed development to be sensitive to the impacts that the proposed use will have on the adjacent residences and commercial properties along Dixie Highway.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the zoning change from R-4 to C-M based on the staff report, testimony heard today and the applicant's finding of facts.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Lindsey, Peterson, Tomes and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioner Smith**

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

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

**WHEREAS**, the proposal does include public sidewalks and pedestrian connections; and

**WHEREAS**, the proposal includes improved access and landscaping along Dixie Hwy.; and

**WHEREAS**, while the use is not compatible with those along the corridor as it is not commercial in nature, the site design and buffering from adjacent uses increases its compatibility; and

**WHEREAS**, the proposal is requesting an expansion of the Suburban Marketplace Corridor, but this expansion is justified due to the site design and buffering that

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decreases the chances of the disruption of the established residential area to the south. Additionally, the proposal includes a private access easement that connects the site directly to Dixie Hwy and relieves the more residential roadway of truck traffic; and

**WHEREAS**, the proposed development complies with the intent of Guideline 1. The subject property is in the Neighborhood form District, which can accommodate workplaces, such as offices or commercial centers. Here, where the site is located adjacent to C-2 commercial property and has been used for commercial uses in the past, the reuse of the subject property as a warehouse is appropriate; and

**WHEREAS**, the applicant proposes to change the form district applicable to the subject property from Neighborhood to Suburban Marketplace Corridor. The subject property has been commercial for many years, operated as a go cart track and driving range and should have been mapped as part of the Suburban Marketplace Corridor some time ago. The property is adjacent to the commercial uses fronting the west side of Dixie Highway and has access to Dixie Highway via a private access easement. The proposed use will not fit on other properties in the corridor, necessitating the expansion of the corridor in this case. The applicant, as detailed below, will address the surrounding land use with appropriate transitions; and

**WHEREAS**, the proposed development complies with the intent and applicable policies of Guideline 2. The subject property is part of an activity center along Dixie Highway north of W. Orell Road and was a former amusement use including a go cart track and driving range. The proposed development includes access to Dixie Highway and W. Orell Road and will contain buffering where there are adjacent, residentially used and zoned properties. The proposed development will be one of only a few workplaces in this section of Dixie Highway, giving those who reside in nearby neighborhoods the opportunity to work close to home; and

**WHEREAS**, the proposed development complies with the intent and applicable policies of Guideline 3. The proposed development has been designed with access on Dixie Highway and W. Orell Road near the commercial properties along Dixie Highway. The applicant has also agreed to examine buffering along the residentially used and zoned properties to the south of the subject property and along the rear of the commercial properties along Dixie Highway. The applicant will comply with all Land Development Code requirements on lighting and noise and will examine the impact of traffic on W. Orell Road and its intersection with Dixie Highway. The subject property is adjacent to Dixie Highway and will have access to the transit improvements planned along the corridor. The applicant has further modified its proposal to rezone the property to C-M to allow for more commercial development on the subject property should the proposed development not come to fruition; and

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**WHEREAS**, the proposed development complies with the intent and applicable policies of Guidelines 4 and 5. The proposed development will include the required amount of outdoor amenity space. There are no known scenic or historic resources on the subject property; and

**WHEREAS**, the proposed development complies with the intent and applicable policies of Guideline 6. The subject property is located adjacent to Dixie Highway near its intersection with I-265. The subject property formerly was part of an amusement-type use, including a go cart track and golf driving range, and this reinvestment in previously developed property will help to spur other investments in the area; and

**WHEREAS**, the proposed development complies with the intent and applicable policies of Guidelines 7 and 9. The applicant will work with Louisville Metro Public Works and the Kentucky Transportation Cabinet to evaluate the impact the proposed development will have on the area street network. Further, the applicant is locating near existing transit that is proposed for improvement. The proposed development will also provide bicycle parking and sidewalks where required; and

**WHEREAS**, the proposed development complies with the intent and applicable policies of Guidelines 10 and 11. The proposed development will comply with MSD requirements regarding the regional drainage system. These compliance measures will address both quantity and quality storm water leaving the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the proposed development complies with the intent and applicable policies of Guideline 12. The proposed development is located near a major arterial and close to I-265, which will connect it with area interstate highways. The proposed development includes bicycle parking. The proposed development is a workplace investment in an area with few but a growing number of workplaces. Locating workplaces near neighborhoods is one way to cut down on transportation-related air pollution; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposed development complies with the intent and applicable policies of Guideline 13. The proposed development will be designed to meet both the tree canopy and landscape buffer area requirements where they will do the most good. The applicant will design the landscape buffers for the proposed development to be sensitive to the impacts that the proposed use will have on the adjacent residences and commercial properties along Dixie Highway.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the form district change from

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Neighborhood to Suburban Marketplace Corridor based on the staff report, testimony heard today and the applicant's finding of facts.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Lindsey, Peterson, Tomes and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioner Smith**

**General Development Plan and Binding Elements**

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

**WHEREAS**, there does not appear to be any significant natural or historical resources on site and this proposal does not appear to affect any scenic views; and

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

**WHEREAS**, the proposal has provided the required amenity area for the office portion of the use; and

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

**WHEREAS**, the Louisville Metro Planning Commission finds the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Additionally, the applicant has agreed to increase the landscaping adjacent to the homes to the south and the roadway. Setbacks, while not code compliance, appear to be reasonable and compatible with surrounding uses; and

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the General Development Plan and the proposed binding elements with the revision to



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binding element number 7 to read as follows: The applicant shall submit a Detailed District Development Plan to be approved by Planning Commission prior to construction plan approval that addresses the following elements: building design use, access to W. Orell Rd. specifically pertaining to truck traffic, landscaping adjacent to the single family residences to the south and landscaping along the private access easement and the 6 foot berm. Notification of the meeting shall include anyone who spoke at the Planning Commission public hearing for Case No. 17ZONE1019; based on the staff report and testimony heard today.

**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, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for any work within the state right-of-way.
  - 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
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the

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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. No overnight idling or idling of trucks while loading or unloading equipment shall be permitted on-site.
7. The applicant shall submit a Detailed District Development Plan to be approved by Planning Commission prior to construction plan approval that addresses the following elements: building design use, access to W. Orell Rd. specifically pertaining to truck traffic, landscaping adjacent to the single family residences to the south and landscaping along the private access easement and the 6 foot berm. Notification of the meeting shall include anyone who spoke at the Planning Commission public hearing for Case No. 17ZONE1019.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Lindsey, Peterson, Tomes and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioner Smith**

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**CASE NO. 17SUBDIV1011**

Request: Conservation Subdivision for 323 Buildable lots on approximately 115 Acres – RESCHEDULED TO 11-16  
Project Name: Johnson Road Conservation Subdivision  
Location: 1313 Johnson Rd  
Owner: Louisville Metro  
Applicant: Inverness Homes  
Representative: Kathy Linares – Mindel Scott & Associates  
Jurisdiction: Louisville Metro  
Council District: 19 – Julie Denton  
**Case Manager: Jay Luckett, Planner I**

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

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

**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.**

03:21:11 On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RESCHEDULE** this case to the November 16, 2017 Planning Commission meeting.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Ferguson and Smith**

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**CASE NO. 17ZONE1036**

Case No: 17ZONE1036  
Request: OR-1 and R-7 to C-1  
Project Name: Iroquois Pharmacy  
Location: 5024 and 5026 South 3<sup>rd</sup> Street, 307 Kingston Avenue

Owner: Tran Tuyen, Xinh Properties LLC  
5026 South 3<sup>rd</sup> Street  
Louisville, Ky. 40214

Hieu Do and Phuong Lam

Applicant: Iroquois Pharmacy, Vy Truong  
Vy Truong  
2606 Frankfort Avenue  
Louisville, Ky. 40206

Representative: Vy Truong  
2606 Frankfort Avenue  
Louisville, Ky. 40206

Jurisdiction: Louisville Metro  
Council District: 21 – Dan Johnson  
**Case Manager: Laura Mattingly, AICP, Planner II**

**02:54:23 NOTE: Commissioner Ferguson left at approximately 4:00 p.m.**

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:**

02:54:27 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

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

**PLANNING COMMISSION MINUTES**  
**November 2, 2017**

**PUBLIC HEARING**

**CASE NO. 17ZONE1036**

Vy Truong, 2606 Frankfort Avenue, Louisville, Ky. 40206

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

03:01:41 Ms. Truong stated she's here to answer questions.

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

Barbara Nichols, 121 North Arbor Park, Louisville, Ky. 40214

**Summary of testimony of those in opposition:**

03:02:17 Ms. Nichols, President of the Iroquois Neighborhood Association, stated she's concerned about the C-1 zoning for all 3 properties - Kingston is all residential. The size of the garage on the plan is not accurate. Another concern is the driveway usage and it seems some parking spaces have been removed from the plan. Construction of the new entrance on the Kingston Ave. side may be impeded by a utility pole, air conditioning unit, electrical meters, etc. Some landscaping should be included. Also, the extra traffic will increase safety hazards for children in the area.

**Rebuttal**

03:08:11 Ms. Truong said Planning and Design advised her to rezone the other properties. The school pick-up and drop-off is on the other side; therefore the traffic will not affect the children. The air conditioning unit and LG&E meters will be moved to the rear of the building. Also, there will be no changes to the garages.

**Deliberation**

03:15:25 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 OR-1 and R-7 to C-1**

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

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**CASE NO. 17ZONE1036**

**WHEREAS**, the proposal does not affect the existing street pattern; and

**WHEREAS**, this proposal includes no new construction and is utilizing an existing building, therefore is not impacting any open space; and

**WHEREAS**, the proposal is for the reuse of an existing building for commercial purposes; and

**WHEREAS**, the proposal will not create a new center but it involves the repurposing of an existing building; and

**WHEREAS**, this is an urban area with a mixture of single and multi-family and has sufficient population to support the proposed use; and

**WHEREAS**, the proposal is efficient and cost effective as it utilizes an existing building; and

**WHEREAS**, this proposal is not a center but does include two commercial uses which will serve the neighborhood, as well as apartments above the pharmacy and on the two other lots; and

**WHEREAS**, the applicant is proposing residential above retail; and

**WHEREAS**, the proposal does not include any additional curb cuts and shares access between the three lots; and

**WHEREAS**, utilities for the site are existing; and

**WHEREAS**, the site has sidewalks and transit located in close proximity; and

**WHEREAS**, this is already an existing commercial mixed use structure so is not a non-residential expansion into a residential area; and

**WHEREAS**, APCD has no issues with the proposal; and

**WHEREAS**, Transportation planning staff has not required any traffic mitigation; and

**WHEREAS**, the Louisville Metro Planning Commission finds, lighting will comply with LDC standards; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposal is located in a developed urban neighborhood with a mix of uses.

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**WHEREAS**, according to the Staff Analysis for rezoning, the proposed site is located in the Traditional Neighborhood Form District which is characterized by predominantly residential uses, but Traditional Neighborhood Form District is also encouraged to have neighborhood serving land uses such as offices, shops, restaurants and services. Many existing traditional neighborhoods are fifty to one hundred twenty years old, however the Traditional Neighborhood Form hopefully will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing building in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces; and

**WHEREAS**, the proposed site is appropriate to be rezoned since we will reuse the existing structure with some indoor renovations. The building is well-served by existing street and sidewalk networks, as well as public transit. We propose the existing site to be used as a pharmacy which will serve the neighborhood and will preserve the existing character of the neighborhood. Regarding the concerns about the parking located in the front, which is out of character for the Traditional Neighborhood form, we will submit the General Waiver Application for Landscape Waiver since those parking have been there before and the parking do not affect the sidewalk as well as traffic in the area. Also the number of required parking are explained and demonstrated in detail on the site plan; and

**WHEREAS**, we hope that the Louisville Metro Planning Commission and the Louisville Metro Council will consider our proposal for zone changing since the proposal is compliant with the Guidelines and Policies of Cornerstone 2020 and it is compatible with the Traditional Neighborhood Form District.

**PLANNING COMMISSION MINUTES**  
**November 2, 2017**

**PUBLIC HEARING**

**CASE NO. 17ZONE1036**

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the change in zoning from OR-1 and R-7 to C-1 based on the staff report, testimony heard today and the applicant's justification statement.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioners Ferguson and Smith**

**Detailed District Development Plan and Binding Elements**

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

**WHEREAS**, LOJIC has not identified any natural resources on site and the applicant will be making no changes to the site to affect tree canopy, soils or any other natural resource; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided through the existing street network and sidewalks; and

**WHEREAS**, this development does not require open space, as it does not meet the threshold for open space or outdoor amenity requirements; and

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

**WHEREAS**, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area, as the character of the existing structure will remain relatively the same; and

**WHEREAS**, the Louisville Metro Planning Commission further finds this development conforms to the Comprehensive Plan and Land Development Code due to the site's existing conditions and the proposed site improvements.



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**PUBLIC HEARING**

**CASE NO. 17ZONE1036**

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan and proposed binding elements based on the staff report and testimony heard today, **SUBJECT** to the following Binding Elements:

**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, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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**CASE NO. 17ZONE1036**

5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioners Ferguson and Smith**

**PLANNING COMMISSION MINUTES**  
**November 2, 2017**

**PUBLIC HEARING**

**CASE NO. 17ZONE1028**

Request: Change in Zoning from R-4, Single Family, to C-1,  
Commercial  
Project Name: City Lights Prom/Terry's Bridal  
Location: 8107 Blue Lick Road  
Owner: Steve and Terry Barker  
8107 Blue Lick Road  
Louisville, Ky. 40219  
Applicant: Terry Barker  
8107 Blue Lick Road  
Louisville, Ky. 40219  
Representative: Terry Barker  
8107 Blue Lick Road  
Louisville, Ky. 40219  
Jurisdiction: Louisville Metro  
Council District: 24 – Madonna Flood  
**Case Manager: Laura Mattingly, 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:**

03:22:18 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

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

Terry Barker, 8107 Blue Lick Road, Louisville, Ky. 40219

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

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**CASE NO. 17ZONE1028**

03:30:37 Ms. Barker stated she made some alterations to her home and received permits for the work. The landscaping proposal will consist of shrubbery, existing trees to remain and an 8 foot buffer. The proposed parking lot will be done but at a later date (spring). The home and business construction have been completed.

**Deliberation**

03:37:33 Commissioner Peterson stated he has no problem with the overall concept of the zoning change. The waivers seem reasonable. Using a gravel drive in the winter is common practice as well.

Commissioner Lindsey stated she has concerns about the work already being done.

Commissioner Brown stated he's o.k. with the zoning change and waivers but would add conditions of approval – no certificate of occupancy until the parking lot is complete and the driveway moved.

Commissioner Lewis stated the change in zoning is appropriate; however, it is hard to understand the plan.

Commissioner Howard stated the existing zoning classification is inappropriate and the proposed zoning classification is appropriate. There have been major changes of economic and physical conditions in the area. The development plan is lacking and missing key components.

Commissioner Tomes remarked, "If we're not following the prescribed procedure on the plan, it seems that's incumbent on us to either continue it until we get an appropriate plan or don't take action or approve it."

Commissioner Carlson stated the zoning change is appropriate. "I just have issues with how they went about doing this and I'm entertaining the question, 'Are they using it as commercial today?'."

Chairman Jarboe remarked, "I have an issue that it's been completed, but not necessarily completed in order."

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

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

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

**WHEREAS**, the proposal is consistent with existing commercial development along Blue Lick Road and Preston Hwy in this area; and

**WHEREAS**, the nearest transit stop is at the intersection of Blue Lick Road and Preston Highway but no sidewalks have been proposed, although this was not required by the LDC due to the small increase in square footage of the proposal; and

**WHEREAS**, shared access would not be appropriate with the R-4 use to the west; a connection with the property to the east was not required, although connection will be made if the property is ever redeveloped. All required landscaping has been provided; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the use is compatible with those along the corridor. There is no low-density residential adjacent; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposal is located within the Suburban Marketplace Form District and within an existing site, therefore it is not expanding the existing corridor.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the change in zoning from R-4 to C-1 based on the staff report and testimony heard today.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioners Ferguson and Smith**

**ABSTAINED: Commissioner Lindsey**

**Waiver of Section 10.2.4 to allow existing building to encroach into required 25' property perimeter Landscape Buffer Area along the western property line**

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

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**WHEREAS**, the waiver will not adversely affect adjacent property owners as the building is existing and there are several mature trees within the buffer area provided; and

**WHEREAS**, the waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of roadways through standards for buffers, landscape treatment, lighting and signs. These guidelines are not violated as the applicant has already provided adequate landscaping along the western property line in the buffer area that exists; 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 the conditions are existing; 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 and would create an unnecessary hardship on the applicant as providing the full 25' LBA would require the demolition of a portion of the existing home.

**Waiver of Section 10.2.10 to not provide the 5' Vehicle Use Area Landscape Buffer Area along the eastern property line**

**WHEREAS**, the waiver will not adversely affect adjacent property owners as there is a privacy fence in place that provides screening for the majority of parking from the roadway and the applicant is willing to complete the screening requirement; and

**WHEREAS**, the waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of roadways through standards for buffers, landscape treatment, lighting and signs. These guidelines are not violated as there is existing screening and the applicant is willing to provide some plantings and complete the screening for mitigation; and

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**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the required width of the parking area did not afford room for the full 5' buffer; 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 and would create an unnecessary hardship on the applicant as the parking requirements would not be able to be met if the full 5' buffer area was provided.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** a waiver of section 10.2.4 to allow the existing building to encroach into the required 25 foot property perimeter landscape buffer area along the western property line and a waiver of section 10.2.10 to not provide the 5 foot vehicular use area landscape buffer area along the eastern property line base on the staff report and testimony heard today.

**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioners Ferguson and Smith**

**ABSTAINING: Commissioners Lindsey and Tomes**

**Development Plan and Binding Elements**

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

**WHEREAS**, the applicant is preserving much of the tree canopy on site and there does not appear to be any other significant natural resources; and

**WHEREAS**, provisions for safe and efficient vehicular transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan. Sidewalks are not proposed, as the proposal did not meet the threshold that would require the installation of sidewalks; and

**WHEREAS**, there is no open space requirement for this proposal; and

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

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

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan along with the binding elements adding the following conditions: the plan be updated to clearly show and label the meets and bounds description for the property being rezoned; the proposed driveway width shall not exceed 24 feet within the public right-of-way; and modify binding element number 6 to include: The applicant shall pave and mark all parking areas defined on the plan and remove the existing driveway shown to be removed prior to the issuance of a Certificate of Occupancy based on the staff report and testimony heard today, **SUBJECT** to the following Binding Elements:

**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.



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4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to 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. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
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. The applicant shall pave and mark all parking areas defined on the plan and remove the existing driveway shown to be removed prior to the issuance of a Certificate of Occupancy
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these 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

**Conditions of Approval**

1. The plan be updated to clearly show and label the meets and bounds description for the property being rezoned.

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**CASE NO. 17ZONE1028**

2. The proposed driveway width shall not exceed 24 feet within the public right-of-way.

**The vote was as follows:**

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

**NO: Commissioner Howard**

**NOT PRESENT AND NOT VOTING: Commissioners Ferguson and Smith**

**ABSTAINING: Commissioners Lindsey and Tomes**

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

**CASE NO. 17ZONE1022**

Case No: 17ZONE1022  
Request: R-4 and C-2 to C-M  
Neighborhood to Suburban Marketplace Corridor  
Project Name: Orell Mini-Warehouse  
Location: 11905 Dixie Highway

Owner: 11905 Dixie LLC  
Greg Egart  
P.O. Box 991064  
Louisville, Ky. 40269

Applicant: 11905 Dixie LLC  
Greg Egart  
P.O. Box 991064  
Louisville, Ky. 40269

Representative: Clifford Ashburner  
Dinsmore & Shohl, LLP  
101 South 5<sup>th</sup> Street, Suite 2500  
Louisville, Ky. 40202

Derek Triplett  
Land Design and Development  
503 Washburn Avenue, Suite 101  
Louisville, Ky. 40222

Jurisdiction: Louisville Metro  
Council District: 14 – Cindi Fowler  
**Case Manager: Laura Mattingly, 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:**

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02:23:02 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

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

Clifford Ashburner, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202  
Derek Triplett, Land Design and Development, 503 Washburn Avenue, Suite 101,  
Louisville, Ky. 40222

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

02:31:13 Mr. Ashburner gave a power point presentation. A mini-warehouse is typically a quiet neighbor. There are currently no sidewalks but the applicant will provide partial sidewalks to access Dixie Hwy. in a safe way. There is also an additional proposed binding element.

02:38:15 Mr. Triplett stated there will be 2 entrances off Dixie Hwy. – one way in, one way out. The proposed gate will be 40 feet from the property line. There will be heavy plantings and an underground storm system into an outlet located in the Riverport Authority property.

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

Councilwoman Fowler, 14206 Pauleys Gap Road, Louisville, Ky. 40272

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

02:42:32 Councilwoman Fowler stated she has an issue with the building being on the property line on the north side. There's a MSD ditch leading up to the railroad tracks and wonders if MSD will have enough room to access it if necessary.

02:43:41 Mr. Kelly, MSD, stated there's a blueline stream in the rear and the Core of Engineers has jurisdiction and final approval.

**Deliberation**

02:44:40 Planning Commission deliberation. Commissioner Brown stated the sidewalk on east Orell needs to be extended to the intersection as required by the Land Development Code (~10-15 feet).

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**CASE NO. 17ZONE1022**

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

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

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

**WHEREAS**, the proposal is consistent with the existing pattern of uses in this area, as this is a light industrial proposal within a mixed-use area; and

**WHEREAS**, sidewalks are provided along Dixie Hwy and E Orell Road. The applicant has requested relief from the requirement along the unimproved right-of-way to the east, which appears justified; and

**WHEREAS**, shared entrances are not appropriate in this instance and adequate buffering along Dixie Hwy has been proposed; and

**WHEREAS**, the use is compatible with the adjacent commercial uses and is within the corridor and adequately separated from lower intensity uses; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the proposal is expanding the Suburban Marketplace Form District but is not causing a disruption of a residential area, due to the shape and location of the site; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposal is utilizing existing infrastructure, therefore it is an efficient use of land; and

**WHEREAS**, the proposed development complies with the intent of Guideline 1. Much of the site is already located in the Suburban Marketplace Corridor Form District, and the applicant proposes to include the entire site in that District as part of this application. The subject property was formerly a motel; now it is proposed as self-storage. The use will actually be lower intensity in terms of traffic, lighting and hours when impacts on adjacent properties could be felt; and

**WHEREAS**, the proposed development complies with the intent and applicable policies of Guideline 2. The subject property is already located in a center around the intersection of E. Orell Road and Dixie Highway. The property to the north is an active rail line. The property to the south is a discount store. The properties north along Dixie

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Highway are commercial as well. The property will serve the large number of residential properties in the area, as well; and

**WHEREAS**, the proposed development complies with the intent and applicable policies of Guideline 3. The proposed development will be compatible with the surrounding commercial and residential uses in that the buildings are single story and will be landscaped. The proposed development will also serve as a buffer between both the railroad line and Dixie Highway and the nearby residential uses. The applicant will provide on-site detention and dedicate right of way to Dixie Highway, contributing to public infrastructure in the area; and

**WHEREAS**, the proposed development complies with the intents of Guidelines 4 and 5 because there is neither useable open space nor any scenic or historic resources on the subject property; and

**WHEREAS**, the proposed development complies with the intent of Guidelines 7 and 9. The proposed development will dedicate right of way along Dixie Highway and will provide adequate circulation within the storage facility. The applicant will provide required pedestrian access and bicycle parking on the subject property; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the proposed development complies with the intents of both Guidelines 10 and 11. The proposal, while increasing impervious surface on the subject property, will comply with all MSD regulations concerning water quantity and quality from the site; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposed development complies with the intent of Guideline 13. The applicant is seeking a landscape waiver adjacent to the active rail line but will provide landscaping along E. Orell and as required along Dixie Highway.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the zoning change from R-4 and C-2 to C-M based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Lindsey, Peterson, Tomes and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioner Smith**

**Form District change from Neighborhood and Suburban Marketplace Corridor to Suburban Marketplace Corridor**

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**CASE NO. 17ZONE1022**

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the form district change from Neighborhood and Suburban Marketplace Corridor to Suburban Marketplace Corridor based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Lindsey, Peterson, Tomes and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioner Smith**

**Variance and Waivers**

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

**Variance from Table 5.3.2, Section 5.3.1 to allow a 0' setback along the northern property line**

**WHEREAS**, the requested variance will not adversely affect public health, safety or welfare as this property line is shared with a railway which is elevated and will therefore block visibility of the proposed building from the properties on the opposite side; and

**WHEREAS**, the requested variance will not alter the essential character of the general vicinity as the proposed building setback will not alter views from the right-of-way and will not be visible from properties north of the railroad; and

**WHEREAS**, the requested variance will not cause a hazard or nuisance to the public as the building location does not affect visibility from public areas and is not open to the public; and

**WHEREAS**, the requested variance will not allow an unreasonable circumvention of zoning regulations as the setback requirements in this case are not appropriate since the property line is shared with a railway; 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 railway to the

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north is zoned R-4, requiring the non-residential to residential setback where the property to the north will not ever be used for residential purposes; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as a 30' setback would diminish the area for development to the point that two buildings would need to be removed; 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; and

**WHEREAS**, the variance will allow the construction of storage buildings adjacent to the railroad right of way on the north side of the subject property. The buildings should not be visible on the other side of the railroad, nor should they otherwise impact any other property; and

**WHEREAS**, the variance will not alter the essential character of the general vicinity but will allow for storage buildings to be built in a yard that serves no purpose adjacent to an active railroad line. The encroachment will not affect the development of any other site; and

**WHEREAS**, the variance will not cause a hazard or nuisance to the public, as it will be in part of the site that is not open to the public nor visible from any public spaces; and

**WHEREAS**, the variance is appropriate in this case because the buffering function of the required yard is not necessary next to a railroad line; and

**WHEREAS**, the special circumstance present in this case is the presence of a railroad line that is zoned R-4, creating a yard requirement where one is not needed; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would require the applicant to keep open a yard adjacent to railroad right of way that serves no purpose; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the circumstances are the result of the railroad line being higher than the land surrounding it and being zoned R-4, which creates the setback; and

**WAIVER of Section 5.8.1.B to not provide a sidewalk along the eastern road frontage**



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**WHEREAS**, the waiver not will adversely affect adjacent property owners as the right-of-way in question is unimproved and dead ends into the railway; and

**WHEREAS**, Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. These guidelines are not violated, as this is an unused, unimproved right-of-way that is not connected on its north side; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant as sidewalks along Dixie Hwy and East Orell Road are provided; 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 as building sidewalks in this location would not serve the public or the proposed use.

**WAIVER** of section 10.2.4 to not provide the 35' Landscape Buffer Area along the north/northeast property line

**WHEREAS**, the waiver will not adversely affect adjacent property owners as this property line is shared with a railway which is elevated and will therefore block visibility of the proposed building from the properties on the opposite side; and

**WHEREAS**, Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, Policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should

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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 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors. These guidelines are not violated, as there is an existing buffer around the railroad and no need to provide mitigation for this use adjacent to a railroad; 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 the requirement exists because the railroad is zoned R-4, single family residential and buffering the proposed use from a railroad is not essential; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as a 35' buffer would diminish the area for development to the point that two buildings would need to be removed; and

**WHEREAS**, the waiver will not adversely affect adjacent property owners. The applicant has located the buildings adjacent to the railroad right of way and unimproved street right of way, both of which will provide the buffering function that the required LBA is intended to provide; and

**WHEREAS**, the requested waivers will not violate the Comprehensive Plan. The landscape buffer areas typically apply to sites that are directly adjacent to one another. Here, the residential properties being buffered are either an active railroad line or across unimproved, wooded right of way. In addition to these specific characteristics, the proposed use (self-storage) is one that is quiet and unobtrusive; and

**WHEREAS**, the Louisville Metro Planning Commission finds the extent of the waiver is the minimum necessary to grant the applicant relief. The proposed use of the subject property, together with the surrounding uses/conditions render these buffers unnecessary. The areas purportedly being buffered do not need any buffering, rendering the relief sought reasonable; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the regulation would require the applicant to buffer an active rail line and unimproved right of way from single story storage buildings, which would deprive the applicant of the reasonable use of its land.

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**Waiver of Section 10.2.10 to not provide the Vehicular Use Area Landscape Buffer Area along the east property line**

**WHEREAS**, the waiver will not adversely affect adjacent property owners as this property line is shared with the railroad right-of-way that is heavily wooded; and

**WHEREAS**, the waiver will not violate Guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for screening and buffering of parking areas adjacent to streets. The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. These guidelines are not violated as the proposed vehicle use area encroachment is adjacent to the railroad right-of-way and will not impact nearby residents; 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 only a small portion of the vehicle use area encroaches into the buffer and it is adjacent to the railroad; 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 as needed vehicle use area would have to be removed for a buffer that is adjacent to the railroad and not necessary.

**WHEREAS**, the waiver will not adversely affect adjacent property owners. The drive lanes around the buildings are adjacent to the unimproved street right of way which will provide the buffering function that the LBA would create; and

**WHEREAS**, the requested waiver will not violate the Comprehensive Plan. The transition standards typically apply to sites that are directly adjacent to one another. Here, the residential properties are either an active railroad line or across unimproved right of way. In addition to these specific characteristics, the proposed use (self-storage) is one that is quiet and unobtrusive; and

**WHEREAS**, the extent of the waiver will grant the applicant relief from a buffer that is completely unnecessary on this particular property. The areas purportedly being buffered do not need any buffering, rendering the relief sought reasonable; and

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**WHEREAS**, the strict application of the regulation would require the applicant to buffer an unimproved right of way from single story storage buildings, which would deprive the applicant of the reasonable use of its land.

**Waiver of section 5.9.2 to not provide a crossover access to adjacent commercial property**

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the adjacent property has its own existing access; and

**WHEREAS**, Guideline 2, Policy 13 encourages adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Guideline 7, Policy 13 requires joint and cross access easements according to standards set forth in the Land Development Code to reduce traffic on major thoroughfares and to reduce safety hazards. Guideline 7, Policy 16 calls for the promotion of joint access and circulation systems for development sites comprised of more than one building site or lot. The purpose of the requirements to be waived are to allow similar, compatible non-residential and multi-family uses to access adjacent sites without use of the main road to reduce curb cuts, the amount of surface parking, and traffic on the main thoroughfare. These guidelines are not violated as safe access is provided and cross access is not appropriate for the proposed use due to security purposes; 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 cross connectivity would create security issues for the applicant; 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 as providing cross access creates security issues for the proposed use; and

**WHEREAS**, the waiver will not adversely affect the adjacent non-residential property. The adjacent property has access to both E. Orel I Road and Dixie Highway, which access will remain. Because of the nature of the storage use, there should be no need for circulation between the two properties; and

**WHEREAS**, the waiver will not violate the comprehensive plan. Unlike general commercial uses, storage uses require controlled entry points, which the applicant proposes on Dixie Highway. Allowing circulation between the two properties could create security issues for the storage use; and

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**WHEREAS**, the extent of the waiver is the minimum necessary to grant the applicant relief. The proposed use of the subject property, together with the surrounding uses/conditions render access between the adjoining properties unnecessary; and

**WHEREAS**, the strict application of the regulation would require the applicant to provide circulation with a property that already enjoys roadway access. Further, allowing circulation between the two properties would create a security issue for the proposed storage use.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the following: a variance from Table 5.3.2, Section 5.3.1 to allow a 0 foot setback along the northern property line; a waiver of 5.8.1.B to not provide a sidewalk along the eastern road frontage; a waiver of 10.2.4 to not provide the 35 foot landscape buffer area along the north/northeast property line; 10.2.10 to not provide the vehicular use area landscape buffer area along the east property line; and a waiver of 5.9.2 to not provide a crossover access to adjacent commercial property based on the staff report, testimony heard today and the applicant's justification.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Lindsey, Peterson, Tomes and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioner Smith**

**Development Plan and Binding Elements**

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

**WHEREAS**, hydric soils were found on site. The applicant will coordinate with Army Corps of Engineers to ensure any required mitigation. 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 has approved the preliminary development plan. The applicant has also proposed a one-way in one-way out access plan in order to satisfy Transportation requirements; and

**WHEREAS**, there is no open space requirement for this site; and

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

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

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan and the proposed binding elements with the addition of binding element number 10 to read as follows: The subject property shall only be used for those uses allowed in the C-M zoning district that are otherwise allowed in the C-2 zoning district and for "Warehouse, storage" but for no other use permitted in the M-1 zoning district. Any amendment to this binding element shall require approval from the Louisville Metro Planning Commission and from the Louisville Metro Council. Also, add a Condition of Approval to the plan as follows: The sidewalks along E. Orell Rd. shall be extended to the Orell Rd. intersection, based on the staff report and testimony heard today, **SUBJECT** to the following Binding Elements:

**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

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shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these 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

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compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 2, 2017 Planning Commission hearing.
10. The subject property shall only be used for those uses allowed in the C-M zoning district that are otherwise allowed in the C-2 zoning district and for "Warehouse, storage" but for no other use permitted in the M-1 zoning district. Any amendment to this binding element shall require approval from the Louisville Metro Planning Commission and from the Louisville Metro Council.

**Condition of Approval**

1. The sidewalks along E. Orell Rd. shall be extended to the Orell Rd. intersection.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Ferguson, Howard, Lewis, Lindsey, Peterson, Tomes and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioner Smith**



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**STANDING COMMITTEE REPORTS**

**Land Development and Transportation Committee**

No report given.

**Site Inspection Committee**

No report given.

**Planning Committee**

No report given.

**Development Review Committee**

No report given.

**Policy and Procedures Committee**

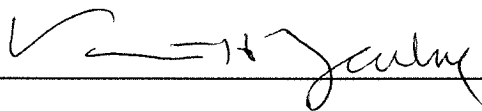
No report given.

**CHAIRPERSON/DIRECTOR'S REPORT**


No report given.

**ADJOURNMENT**

The meeting adjourned at approximately 5:05 p.m.

  
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**Chair**

  
\_\_\_\_\_

**Planning Director**

