

**PLANNING COMMISSION MINUTES**  
**January 23, 2020**

**PUBLIC HEARING**

**CASE NO. 19-ZONE-0073**

**NOTE: This case was moved to the end of today's agenda. Evidence and testimony were heard today; however, there will be no action taken and the case will be CONTINUED to the February 6, 2020 Planning Commission hearing.**

Request: Change in zoning from R-4, OR-1, and C-1 to R-4 and C-1, with a Detailed District Development Plan with binding elements; and associated landscape waiver  
Project Name: Jefferson Animal Hospital Expansion  
Location: 4504 – 4512 Outer Loop  
Owner: Capital Security Corp.  
Applicant: Capital Security Corp.  
Representatives: Jon Baker - Wyatt, Tarrant & Combs  
Kelli Jones – Sabak Wilson & Lingo  
Jurisdiction: Louisville Metro  
Council District: 24 – Madonna Flood

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

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

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

**Agency Testimony:**

00:09:09 Dante St. Germain asked that this case be deferred to the end of today's agenda (see recording for presentation.)

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00:34:18 Dante St. Germain presented the case and showed a Power Point presentation (see recording for detailed presentation). She noted that there was a problem with sign posting; therefore, the case will be presented, but **NO ACTION WILL BE TAKEN**. Action will be deferred until the February 6, 2020 Planning Commission public hearing. She noted that one letter of opposition was received from a neighbor, objecting to a change in binding elements.

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00:44:16 Commissioner Howard asked about joint/reciprocal access. Ms. St. Germain said the access is not proposed to be changed. It is not in the binding elements, but it is required by the Land Development Code (reciprocal access for abutting commercial use properties.)

00:46:03 Commissioner Howard also asked about an encroachment permit. Ms. St. Germain used the proposed site plan to illustrate access points. Commissioner Howard asked about binding element #5E – is the applicant adding more lots? Using the proposed site plan, Ms. St. Germain explained that the site consists of four lots, which must be consolidated into a single property before the plan can be finalized (see recording.)

00:47:23 In response to a questing from Commissioner Mims, Ms. St. Germain discussed the re-striping of the parking lot, and landscaping requirements.

00:48:11 In response to a question from Commissioner Peterson, Ms. St. Germain pointed out the location of the crossover access easement/agreement is and again confirmed that it will remain open.

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

Jon Baker, 400 West Market Street Suite 2000, Louisville, KY 40202

Kelli Jones, Sabak Wilson & Lingo, 608 South 3<sup>rd</sup> Street, Louisville, KY 40202

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

00:49:28 Jon Baker, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:54:42 Kelli Jones, an applicant's representative, used an aerial photo and showed a Power Point presentation to discuss details of the site plan, existing pavement, parking, landscaping, landscape waiver requests, access, and cross access (see recording.)

01:01:08 Commissioner Mims and Ms. Jones discussed what would trigger certain interior landscaping requirements.

01:02:12 Commissioner Brown and Ms. Jones discussed the number of parking spaces, which she said were necessary and would be used.

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01:03:09 Commissioner Carlson asked if there was a way to do off-site tree planting. Ms. Jones said the applicant is meeting the tree canopy requirements, even though fewer trees will be planted.

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

No one spoke.

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

Dr. Bruce Haskell, 6930 Windham Parkway, Louisville, KY 40059

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

01:05:06 Dr. Bruce Haskell said the project will definitely beautify the neighborhood and will be a valuable addition to the area. He said the reason he is here is because of binding elements / a deed of reciprocal easement. He discussed the crossover access, maintenance, and joint parking (see recording for his detailed presentation.) He said his concern is that the construction of this project would not have any effect on the ingress/egress of the joint access/parking and traffic flow. Does he need binding elements to ensure that this project will not affect his access/parking? Travis Fiechter, legal counsel for the Planning Commission, explained that there are crossover access agreements and joint parking agreements all over the County and it sounds like this is a privately-enforceable agreement between landowners. An additional binding element on top of this does not seem necessary.

01:11:46 Joe Reverman, Assistant Director for Planning & Design Services, suggested that a binding element could be added stating that access to the adjacent property to the east shall remain open. Commissioner Jarboe said that would not be a problem; however, it seems needless since the private legal agreement is already in place and supersedes what the Planning Commission would do. Commissioner Tomes suggested putting a note on the plan which references the existing agreement.

01:14:28 Mr. Baker clarified that this specific crossover agreement is not before the Planning Commission today, nor does it touch property that is before the Commission today. However, he said that the applicant is fine with adding a note to the plan stating that that cross-access will be preserved as it's shown today.

01:15:34 Ms. Jones added that the applicant will provide 40% tree canopy on this site, as opposed to the required 20%.

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01:16:02 On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **February 6, 2020** Planning Commission public hearing.

**The vote was as follows:**

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

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

**December 12, 2019**

**New Business**

**Case No. 19-ZONE-0073**

**Request:** Change in zoning from R-4, OR-1 & C-1 to R-4 & C-1, with Detailed District Development Plan and Binding Elements, and associated landscape Waiver

**Project Name:** Jefferson Animal Hospital Expansion

**Location:** 4504 – 4512 Outer Loop

**Owner:** Capital Security Corp

**Applicant:** Capital Security Corp

**Representative:** Wyatt, Tarrant & Combs

**Jurisdiction:** Louisville Metro

**Council District:** 24 – Madonna Flood

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

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

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

**Agency Testimony:**

02:42:29 Dante St. Germain presented the case via the proposed plan PDF (see staff report and recording for detailed presentation). Ms. St. Germain noted the modifications to the binding elements and the retention of Conditions of Approval for a separate part of the development.

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

Jon Baker, 500 W. Jefferson Street, Louisville, Kentucky, 40202

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

02:47:58 Jon Baker, representing the applicant, presented a Power Point slide show (see recording for detailed presentation). He detailed the consolidation of two adjacent lots and the landscaping waiver for screening.

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

**December 12, 2019**

**New Business**

**Case No. 19-ZONE-0073**

02:52:35 Commissioner Carlson asked for details of landscape buffering and the landscape waiver. Mr. Baker replied there are plantings on site that will remain and improved upon to meet the width requirement.

**Discussion**

02:53:47 Commissioners' discussion (see recording for detailed presentation). Commissioner Daniels asked if there will be removal of existing trees. Jon Baker replied all unhealthy trees will be replaced with new ones.

**An audio/visual recording of the Land Development and Transportation Committee meeting 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.**

The Committee by general consensus placed this case for the **January 23, 2020** Planning Commission public hearing at the Old Jail Building.