

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION MEETING
February 17, 2022**

A meeting of the Louisville Metro Planning Commission was held on Thursday, February 17, 2022 via Webex.

Commissioners present:

Marilyn Lewis, Chair
Lula Howard, Vice Chair – arrived at 1:25 PM
Jeff Brown
Jim Mims
Rich Carlson
Te'Andre Sistrunk
Ruth Daniels
Glenn Price
Patti Clare

Commissioners absent:

Pat Seitz

Staff members present:

Joe Reverman, Assistant Director, Planning & Design Services
Joe Haberman, Planning & Design Manager
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Joel Dock, Planning Coordinator
Zach Schwager, Planner I
Laura Ferguson, Assistant County Attorney
Beth Stuber, Transportation Planning Supervisor

The following matters were considered:

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APPROVAL OF MINUTES

FEBRUARY 3, 2022 PLANNING COMMISSION MEETING MINUTES

00:05:43 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the regular meeting of the February 3, 2022 Planning Commission.

The vote was as follows:

YES: Commissioners Mims, Brown, Howard, Carlson, Sistrunk, and Lewis

NO: None

ABSTAIN: Commissioner Clare

DID NOT VOTE: Commissioners Daniels and Price

ABSENT: Commissioner Seitz

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PUBLIC HEARING

CASE NO. 22-WAIVER-0006

Request: Waiver for an addition to an existing cell tower to exceed the maximum height requirement of 110 feet
Project Name: DISH Wireless Colocation
Location: 8905 US Highway 42
Owner: Harrods Creek Fire Protection
Applicant: Kristen Swenson – SMJ International
Representative: Kristen Swenson – SMJ International
Jurisdiction: City of Prospect
Council District: 16 – Scott Reed
Case Manager: **Zach Schwager, Planner I**

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.)

Note: The minutes for this case were approved at the end of this meeting.

Agency Testimony:

00:07:35 Zach Schwager presented the case and showed a Power Point presentation (See staff report and recording for detailed presentation.) The applicant is proposing an addition to an existing monopole cell tower that will increase the height above 110 feet, which was the previously approved height. The proposed height with the addition is 130 feet.

Commissioner Mims asked staff under what authority does the City of Prospect have to regulate the height of cell towers. Schwager explained the Prospect version of the Land Development Code has adopted regulations that limit the height of cell towers to 100 feet, and because of the wording in the LDC it is a waiver and not a variance.

The following spoke in favor of this request:

Kristen Swenson, SMJ International, 49030 Pontiac Trail, Wixom, Michigan, 48393

Alyssa Hauer, SMJ International, 49030 Pontiac Trail, Wixom, Michigan, 48393

Summary of testimony of those in favor:

00:22:45 Kristen Swenson, the applicant's representative, presented the applicant's case (see recording for detailed presentation). The tower extension will allow for better overall service in the Prospect area and permit additional colocation of other carriers.

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The existing compound will not be extended and no additional lighting will be added to the tower. The tower is strong enough to accommodate the extension and corresponding equipment.

Commissioner Carlson asked if the fire equipment was removed from the old tower when the tower in question was constructed. Kristen Swenson said it was relocated to this tower. Commissioner Carlson further asked if there was anything else on the old tower, but the applicant did not have that answer. Commissioner Carlson would like to see the old tower removed if this extension is granted.

Alyssa Hauer answered questions regarding the existing tower. Hauer is not aware as to whether the fire department uses the old tower. Emergency radio equipment is on the current tower.

Laura Ferguson, Jefferson County Attorney's Office, said the applicant does not have ownership of the property where the old tower is located and may not have authority or permission to make decisions about its removal.

Commissioner Brown asked for clarification about the application requirements for this case. Zach Schwager said since this is an existing tower, the application materials only needed to meet the requirements for a waiver, and not like a new cell tower.

The following spoke in opposition of this request:

None.

Summary of testimony of those in opposition:

None.

Rebuttal:

None.

00:38:50 Commissioners' deliberation.

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

On a motion by Commissioner Price, seconded by Commissioner Brown, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

22-WAIVER-0006:

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WHEREAS, the Louisville Metro Planning Commission finds the waiver will not adversely affect adjacent property owners as the conditions are generally existing; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 recommends co-location with existing cell towers; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the City of Prospect Development Code requires reasonable attempts to co-locate and the applicant is proposing to co-locate on an existing tower; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as they are proposing to co-locate with an existing cell tower.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the City of Prospect **APPROVE** the waiver from the City of Prospect Development Code Section 4.4.2.B to allow an addition to an existing cell tower to exceed 110 feet in height.

The vote was as follows:

YES: Commissioners Price, Brown, Mims, Clare, Daniels, Sistrunk, and Lewis

NO: None

ABSTAIN: Commissioners Howard and Carlson

ABSENT: Commissioner Seitz

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PUBLIC HEARING

CASE NO. 2 COMPLETE STREETS AMENDMENTS

Project Name: Complete Streets Amendments
Municipality: All with Zoning Authority
Case Manager: **Nathan Keltch and Amanda Deatherage, AICP**

Agency Testimony:

00:47:23 Nathan Keltch presented the case and discussed the proposed changes in detail, including the creation of the Complete Streets Coalition and its functions (see recording for detailed presentation.)

Commissioner Mims asked for clarification that these changes would not affect private development proposals. Laura Ferguson, Assistant County Attorney, said that was correct and that this coalition will be reviewing public projects. Mr. Keltch went into detail on what constitutes as public projects and what would be excluded. Amanda Deatherage explained that the intention is to only review Louisville Metro Government funded projects. Laura Ferguson explained that this a recommendation to Louisville Metro Council to adopt these amendments and that other jurisdictions (i.e., the cities of St. Matthews and Jeffersontown) would not be included unless they chose to adopt the amendments as well.

Commissioner Carlson asked when these amendments would come into effect. Commissioner Brown explained it would apply to anything that receives funding after the amendments are approved and would then be subject to the Complete Streets review. Commissioner Carlson further asked if that would begin at the design stage. Commissioner Brown said that was correct, as that is when the Complete Streets Coalition would review the design to make sure it follows standards.

The following spoke in neutral of this request:

Barbara Kelly, 6009 Mint Spring Branch Road, Prospect, KY 40059

Summary of testimony of those in neutral:

01:10:09 Barbara Kelly asked how the members of the Complete Streets Coalition would be chosen and for clarification on what training they would be given.

Nathan Keltch explained that the members would be chosen by the Director of Public Works and then confirmed by the Public Works committee. This is to ensure there is proper vetting of the individuals that would serve on the Complete Streets Coalition. Mr. Keltch said there were not plans to provide any educational training at this time.

Ms. Kelly asked if agendas would be sent out to the public when this committee would be considering projects. Mr. Keltch said they were planning to make all Complete Streets Coalition meetings public and said they can post agendas for the public.

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01:17:20 Commissioners' deliberation.

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

On a motion by Commissioner Howard, seconded by Commissioner Daniels, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **ADOPT** the amendments to the Complete Streets Policy of the Comprehensive Plan, based on the staff presentation, the testimony heard today, and the discussion between the members of the Planning Commission.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price, Sistrunk, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioner Seitz

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PUBLIC HEARING

CASE NO. 21-ZONE-0070

Request: Change in Zoning from UN to C-1 with a waiver
Project Name: Portland House
Location: 2340 Portland Ave
Owner: McKree Properties LLC
Applicant: McKree Properties LLC
Representative: McKree Properties LLC
Jurisdiction: Louisville Metro
Council District: 5 – Donna Purvis
Case Manager: **Joel Dock, AICP, Planning Coordinator**

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

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

Agency Testimony:

01:23:38 Joel Dock presented the case and showed a Power Point presentation (See staff report and recording for detailed presentation.)

In response to Commissioner Mims' question about the driveway, Joel Dock explained that the existing driveway will be extended to the back to allow for turnaround.

The following spoke in favor of this request:

Tess Krebs, 11400 Seatonville Road, Louisville, KY 40291

Summary of testimony of those in favor:

01:30:00 Tess Krebs, the applicant, went into more detail on the zoning change request and the proposed plans for the property (see recording for detailed presentation.)

The following spoke in opposition of this request:

None.

Summary of testimony of those in opposition:

None.

Rebuttal

None.

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01:39:11 Commissioners' deliberation.

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

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

Change in Zoning:

WHEREAS, the Louisville Metro Planning Commission finds the proposal meets Land Use & Development Goal 1: Community Form because the proposed district does not constitute a non-residential expansion into a residential area as the subject property immediately abuts a public park on one side and a religious institution on the other. Access to the site from the west occurs through a commercially zoned activity center and the subject property is located along an arterial roadway; and the proposed zoning district is located along a major arterial roadway having public transit service and pedestrian network. An activity center is present to the west and the central business district is accessible via the street network by multiple modes of transportation; and the proposed zoning district allows for neighborhood serving uses that are easily accessible by foot or transit; and the proposed district does not allow for uses that create higher volumes of noise than expected for low intensity neighborhood servicing uses at appropriate locations; and

WHEREAS, the Commission further finds the proposal meets Land Use & Development Goal 2: Community Form because the proposal will introduce complimentary zoning into an area where a center is present, amenities are adjacent, and the site is located in an area with multi-modal transportation networks; and the proposed district allows for the appropriate location of non-residential development which has access to and is connected by roadways and multi-modal networks; and the proposed district allows for neighborhood goods and services and commercial uses where the local population can support a variety of uses and amenities; and the proposal results in compact development as existing structures will be rehabilitated resulting in a cost-effective infrastructure investment; and the proposal adds an additional commercial district at an appropriate location adjacent to a park, religious intuition, and commercial activity center where alternative modes of transportation are supported by the network to encourage vitality and a sense of place; and the proposal will result in rehabilitation of existing structures that provide office, commercial, and/or residential uses; and

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WHEREAS, the Commission further finds the proposal meets Land Use & Development Goal 3: Community Form because the proposed district utilizes a previously developed site and does not impact floodplain or other environmental features; and the proposed district utilizes a previously developed site and does not impact floodplain or soils; and the proposed district utilizes a previously developed site and will not negatively impact the environment; and

WHEREAS, the Commission further finds the proposal meets Land Use & Development Goal 4: Community Form because the proposed district preserves existing structures that exhibit compatibility with the character of the area; and the proposed district preserves existing structures that exhibit compatibility with the character of the area and maintain the cultural features of historic neighborhoods; and

WHEREAS, the Commission further finds the proposal meets Land Use & Development Goal 1: Mobility because the proposed district allows for the appropriate location of non-residential development which has access to and is connected by roadways and multi-modal networks which support transit-oriented development and an efficient public transportation system; and

WHEREAS, the Commission further finds the proposal meets Land Use & Development Goal 2: Mobility because access is from an arterial roadway through areas of similar intensity; and

WHEREAS, the Commission further finds the proposal meets Land Use & Development Goal 3: Mobility because the proposed district allows for complimentary uses that encourage short trips easily made by walking or bicycling; and the proposed district allows for complimentary uses that encourage short trips easily made by walking or bicycling; and the proposed district is in a walkable area connected to public transit and allows for uses near populations to reduce vehicle trips; and the proposal has a limited impact on the transportation network as the site is in a well-connected neighborhood with transit service and no additional vehicular parking is required; and all improvement required of the developer will be made to the transportation network, if any; and existing transportation facilities and services are adequate to serve a variety of commercial uses in the traditional form district as the site is well connected to transportation networks; and there existing network supports a wide variety of commercial neighborhood goods and services as the site is well connected to transportation networks in a walkable neighborhood; and

WHEREAS, the Commission further finds the proposal meets Land Use & Development Goal 2: Community Facilities because the proposed district is in an area served by existing utilities or capable of being served by public or private utility extensions; and an adequate supply of potable water and water for fire-fighting purposes is available; and

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adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District is provided; and

WHEREAS, the Commission further finds the proposal meets Land Use & Development Goal 1: Economic Development because the proposed district allows for neighborhood goods and services and the site is located along an arterial roadway having transit service and sidewalks; and

WHEREAS, the Commission further finds the proposal meets Land Use & Development Goal 1: Livability because the proposed district utilizes a previously developed site and is not located within the floodplain; and

WHEREAS, the Commission further finds the proposal meets Housing: Goal 3 because the proposed district allows for mixed-use development including residential and commercial.

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** the Louisville Metro Council **APPROVE** the change in zoning for case 21-ZONE-0070 from UN, Urban-Neighborhood, to C-1, Commercial, for the property at 2430 Portland Avenue.

The vote was as follows:

YES: Commissioners Clare, Daniels, Howard, Mims, Price, and Lewis

NO: Commissioners Brown, Carlson, and Sistrunk

ABSTAIN: None

ABSENT: Commissioner Seitz

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

Waiver of Land Development Code (LDC), section 10.2.4 to omit the landscape buffer area and planting requirements at property boundaries:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the adjacent properties are a public park and religious institution and the exterior of the property remains relatively unchanged; and

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WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy seeks to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Policy 12 calls for the parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. The omission of the LBA does not reduce or impact existing vegetation along the perimeter which will remain; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the exterior of the property is relatively unchanged; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as improvements are primarily internal to the existing structure and existing vegetation is located long the perimeter.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the waiver of Land Development Code section 10.2.4 to omit the landscape buffer area and planting requirements at property boundaries.

The vote was as follows:

YES: Commissioners Clare, Daniels, Howard, Mims, Price, and Lewis

NO: Commissioners Brown, Carlson, and Sistrunk

ABSTAIN: None

ABSENT: Commissioner Seitz

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

Detailed District Development Plan:

WHEREAS, the Louisville Metro Planning Commission finds that the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. The proposal has a limited impact on the environment and preserves existing structures; and

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WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided. Sidewalks are present and an existing access point will be improved to allow for the vehicles to turn around in the rear of the property to exit front facing on Portland Avenue. Due to the site's location within the traditional form district and the age of the structure, no additional parking is required for this development; and

WHEREAS, the Commission further finds that no open space is required of this development; and

WHEREAS, the Commission further finds that 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 Commission further finds that the proposal is compatible with the overall character of the area and design of the form district. The existing structure will be maintained; and

WHEREAS, the Commission further finds that the proposed development plan conforms to the Comprehensive Plan as demonstrated in staff's analysis for the zoning change and all relief requested from the Land Development Code appears to be adequately justified.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan for 21-ZONE-0070 **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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.

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3. 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.
4. 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.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

The vote was as follows:

YES: Commissioners Clare, Daniels, Howard, Mims, Price, and Lewis

NO: Commissioners Brown, Carlson, and Sistrunk

ABSTAIN: None

ABSENT: Commissioner Seitz

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PUBLIC HEARING

CASE NO. 21-ZONE-0117

Request: Change in Zoning from R-5 to OR, with Detailed District Development Plan with Binding Elements, Variances, and Waiver

Project Name: Westport Office

Location: 917 & 919 Fountain Avenue, 4700 Westport Road

Owner: Estate of Evelyn Kaelin

Applicant: Louisville Spine & Wellness

Representative: Dinsmore & Shohl

Jurisdiction: Louisville Metro

Council District: 7 – Paula McCraney

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 public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:54:22 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

In response to Commissioner Howard’s question if the parking requested is the minimum or maximum amount required, Dante St. Germain said it is close to the maximum, which is 32 spaces, and they are providing 30.

The following spoke in support of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th Street, Suite 2500, Louisville, KY 40202

Kent Gootee, Mindel Scott & Associates, 5151 Jefferson Blvd, Louisville, KY 40219

Brett Zemba, 2555 Fisherville Road, Finchville, KY 40022

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Summary of testimony of those in support:

02:05:40 Cliff Ashburner, the applicant’s representative, presented the applicant’s case and showed a Power Point presentation (see recording for detailed presentation.)

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02:12:36 Kent Gootee went into detail on the proposed development plan (see recording for detailed presentation.)

02:16:03 Mr. Ashburner continued the presentation.

Dante St. Germain explained that the site plan presented by the applicant at this meeting was not submitted to staff and has not received preliminary approval. Cliff Ashburner explained the changes to the plan were minor and Kent Gootee went into detail on those changes. There was further detailed discussion on the development plan. The Planning Commission decided to continue with the Public Hearing.

Commissioner Clare asked why there was a need for this much parking. Cliff Ashburner explained there could be quite a few patients and administrative staff in the building at any time. Dr. Zemba explained there would be multiple professionals operating along with his staff and they would need those spaces. Mr. Gootee went into detail on why the variances are needed for this specific site in terms of the parking.

02:37:48 Steve Porter explained that this a compromise between his client, Mr. Biven, and the developers. Mr. Porter said the variances are necessary and if there is good landscaping, it will satisfy Mr. Biven. Mr. Porter also discussed the Binding Elements they added that were presented at this meeting.

The following spoke in opposition to the request:

None.

Summary of testimony of those in opposition:

None.

Rebuttal:

02:43:41 Cliff Ashburner said they are aware of the minor changes that need to be addressed on the development plan and hope the Planning Commission will recommend approval today.

02:45:42 Commissioners' deliberation.

The Planning Commission decided to continue to vote on the proposal and recommend approval to Metro Council on the condition that the applicant submit the plan presented today to staff and receive preliminary approval before the next Planning Commission meeting. Staff will notify the Planning Commission when the plan has been approved.

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

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the Customer Service staff to view the recording or to obtain a copy.

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

Change in Zoning:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because the proposal would constitute a non-residential expansion into an existing residential area. The site is located along a minor arterial (Westport Road) and most traffic to the site will come via Westport Road. The proposal is for office/residential zoning which allows relatively low-impact uses which are unlikely to create an adverse impact on neighboring residential uses; and the site is located adjacent to Westport Road, a transit corridor; and the proposed zoning district would not permit hazardous uses. Disadvantaged populations are not disproportionately impacted by the proposal; and the proposed zoning district would not permit uses which create noxious odors, particulates or emissions; and the site is located on Westport Road and most traffic to the site will be routed along Westport Road; and the proposed zoning district would not permit uses which are likely to create high levels of noise; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Form because OR zoning is appropriate for a small corner activity center in an existing neighborhood. Westport Road is a minor arterial at this location; and the site has appropriate access and connectivity, as it is located on Westport Road and most of the traffic to the site will be routed along Westport Road; and the site is not located in an existing activity center. Low-intensity commercial previously existed on a portion of the site and was supported by nearby populations; and the proposal would create a new activity center. OR zoning would support neighborhood-serving office uses, which encourages a more compact development pattern and cost-effective infrastructure investment; and the proposal would permit a mixture of compatible land uses in a new activity center; and the proposal would permit residential uses in a new activity center; and the proposed zoning district would encourage new development providing office uses; and the proposal would not include any underutilized parking lots; and the placement of the structure would be compatible with nearby residences; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 3: Community Form because no natural systems are evident on the subject site; and no wet or highly permeable soils, or severe, steep or unstable slopes

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are evident on the site; and the site is not located in a flood-prone area. No karst features were evident on the site; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 4: Community Form because the existing structures on the site are not proposed to be preserved. They do not appear to have historic or architectural value; and the existing structures on the site are not proposed to be preserved. They do not appear to constitute distinctive cultural features; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 1: Mobility because the site is not located within or near an existing marketplace corridor or existing activity center. However, Westport Road is a transit corridor at this location and development on this site would support transit-oriented development; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Mobility because access to the site will be via Westport Road, a minor arterial and transit corridor at this location; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 3: Mobility because OR zoning would permit neighborhood-serving office uses; and the proposal would permit a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities; and the site is located on an existing transit corridor and the proposal would encourage higher density mixed-use developments; and Transportation Planning has approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Facilities because the relevant utilities have approved the proposal; and Louisville Water Company has approved the proposal; and MSD has approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Economic Development: Goal 1 because the site is located on a minor arterial street and does not have adequate access to a major arterial. The proposed zoning district would not allow uses likely to generate high volumes of traffic; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 1: Livability because no karst features are evident on the subject site; and

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WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 1: Housing because the proposal would support aging in place by permitting higher density housing options on the site, or neighborhood-serving office uses in proximity to existing residential development; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Housing because the proposal would permit inter-generational mixed-income and mixed-use development. The site is connected to the neighborhood and surrounding area; and the proposal would permit housing in proximity to Westport Road, a multi-modal transportation corridor; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 3: Housing because the proposal would permit innovative methods of housing.

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council **APPROVE** the change in zoning, in case 21-ZONE-0117, from R-5, Single-Family Residential, to OR, Office Residential, for the property at 917 and 919 Fountain Avenue and 4700 Westport Road described in the staff report.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price, Sistrunk, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioner Seitz

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

21-WAIVER-0166:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the required screening is proposed to be provided in the reduced landscape buffer area; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages adequate buffering between uses which are of substantially different intensity or density. The required screening and planting material is proposed to be provided; and

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WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the building is at its current location due to the width of drive aisles and parking in the parking lot, and the building size is needed to provide the applicant with enough room to expand an existing business which is currently located on another site; and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the constraints of the site require an encroachment and the lower-impact use of the site (a building wall) will be facing the most affected adjoining property.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver from Table 10.2.3 to allow encroachment into a required property perimeter Landscape Buffer Area.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price, Sistrunk, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioner Seitz

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

21-VARIANCE-0182:

WHEREAS, the Louisville Metro Planning Commission Finds that the requested variance will not adversely affect the public health, safety or welfare as the encroachment will not affect sight lines or create a safety issue; and

WHEREAS, the Commission further finds that the requested variance will not alter the essential character of the general vicinity as the provided setback is within a required Landscape Buffer Area and will be landscaped appropriately; and

WHEREAS, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public as the encroachment does not place the building so close to the adjoining building as to create a hazard or nuisance; and

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WHEREAS, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the site constraints require the building to encroach into the required setback; and

WHEREAS, the Commission further finds that the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone because the lot is regular in shape and when consolidated would be twice the size of other lots in the vicinity; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to reduce the size of the proposed building which would reduce the ability of the business to expand in the way it needs to expand; and

WHEREAS, the Commission further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction.

22-VARIANCE-0010:

WHEREAS, the Louisville Metro Planning Commission Finds that the requested variance will not adversely affect the public health, safety or welfare as the excess setback will not affect sight lines or create a safety issue; and

WHEREAS, the Commission further finds that the requested variance will not alter the essential character of the general vicinity as the site is a corner lot which is to be developed with an office use, as opposed to the residential uses nearby, and therefore would be expected to be somewhat different from the residential development; and

WHEREAS, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public as the structure will be built according to building code including all fire codes; and

WHEREAS, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the vehicular maneuvering area in front of the building necessitates the excess setback; and

WHEREAS, the Commission further finds that the requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity

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or the same zone because the lot is regular in shape and when consolidated would be twice the size of other lots in the vicinity; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to rearrange the orientation of the structures and parking on the lot; and

WHEREAS, the Commission further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the variance from Table 5.3.2 to allow encroachment into a required non-residential to residential setback (required: 30', requested: 10', variance of 20'), and the variance from section 5.1.12.B.2.e.i.1 to permit a principal structure to exceed the allowed maximum infill front yard setback (required: 30', requested: 60', variance of 30').

The vote was as follows:

YES: Commissioner Brown, Carlson, Clare, Daniels, Howard, Mims, Price, Sistrunk, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioner Seitz

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

Detailed District Development Plan

WHEREAS, the Louisville Metro Planning Commission finds that no natural resources appear to exist on the site. The existing building is not proposed to be retained. However, the existing building does not appear to be a historic site; and

WHEREAS, the Commission further finds that 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

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WHEREAS, the Commission further finds that there are no open space requirements pertinent to the current proposal; and

WHEREAS the Commission further finds that 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 Commission further finds that the overall site design is compatible with the existing and future development of the area. The site is a corner lot proposed for office development in proximity to an existing neighborhood. The site proposal would provide a small, neighborhood-serving office use; and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and the regulations of the Land Development Code, with the exception of the requested waiver and variances.

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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Westport Road right-of-way.

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- 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. 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.
 - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 17, 2022 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
- 5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
- 6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
- 7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
- 8. The hours of operation shall be limited to 7:00 AM to 9:00 PM.
- 9. Lighting and Signage Binding Element
 - a. All exterior lighting, whether freestanding or attached to any structure, including parking lot lights and lighting for any signage, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. An exception is low voltage landscape lighting aimed away from adjacent properties.
 - b. No lighting shall have a corrected color temperature (CCT) exceeding 2700 degrees Kelvin.

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- c. No lighting of any kind is permitted on the south wall of the building facing the property at 913 Fountain Ave, or within the LBA on the southern edge of the property.
- d. No parking lot light fixtures shall be more than fourteen feet high, measured from the ground level.
- e. No lighted signage shall be placed on the Fountain Avenue elevation (west face) of the building.
- f. No changing image or moving signs shall be permitted.
- g. All freestanding signage shall not exceed six feet in height, measured from ground level.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan for 21-ZONE-0117, on the condition that a revised plan be submitted to staff for approval no later than the next Planning Commission meeting and that staff advise the Planning Commission via email that this has been accomplished, along with approval of the Binding Elements on pages 17 and 18 of the staff report and also to adopt Binding Element #8 and #9 that were submitted today via email and read into the record.

The vote was as follows:

YES: Commissioners Clare, Mims, Brown, Howard, Carlson, Daniels, Sistrunk, Price, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioner Seitz

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CASE NO. 21-ZONE-0138

Request: Change in zoning from R-R to R-5
Project Name: Vista Hills Boulevard Subdivision
Location: 10105 Vista Hills Blvd.
Owner: William and Beverly Calloway
Applicant: Jane Renn
Representative: BTM Engineering
Jurisdiction: Louisville Metro
Council District: 22 - Robin Engel
Case Manager: Julia Williams, AICP, Planning Supervisor

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

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

Agency Testimony:

03:02:48 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in support:

03:08:08 Chris Brown, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in opposition to the request:

None.

Summary of testimony of those in opposition:

None.

03:14:18 Commissioners' 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.

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On a motion by Commissioner Howard, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

Change in Zoning:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because the proposed district is for low-density residential. It is not a high density use necessitating location near major transportation facilities; and buffer yards and setbacks will be in compliance with the LDC; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Form because an existing residential lot is being developed for residential purposes; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 3: Community Form because the site is not located in 100-yr floodplain and no wetlands have been indicated. MSD has preliminarily approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 4: Community Form because the site does not appear to contain distinctive cultural or natural features that will not be retained; and the site does not appear to contain distinctive historic resources; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 1: Mobility because the proposed district is for low-density residential. It is not a high density use necessitating location near major transportation or commercial facilities; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Mobility because access to the site is obtained through areas of similar density; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 3: Mobility because the proposed district is for low-density residential on a vacant lot within an existing development; and all multi-modal options are available or are being accommodated on the site or within the area. Existing roadway infrastructure is adequate to support the proposed density; and roadway improvements are not required; and public roadways and sidewalks are proposed; and no access to high speed roadways is provided; and

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WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Facilities because the proposal is located in an area served by existing utilities or planned for utilities as evidenced by adjacent development; and the proposal would appear to have access to an adequate supply of potable water and water for fire-fighting purposes as evidenced by adjacent development; and MSD has preliminarily approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 1: Livability because tree canopy requirements will be met on the site; and there is no indication that the proposal will negatively affect groundwater; and MSD has preliminarily approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 1: Housing because the proposal incorporates a variety of housing styles into the area by providing an alternative housing type for single-family residential occupancy; and the proposal promotes housing options and environments that support aging in place as an alternative housing type for single-family residential occupancy and common maintenance is typical of the type of style proposed; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Housing because the proposal provides inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area as an additional housing type is being added to the areas current mixture; and the proposal is for single family lots within a single family area. There are no commercial activity centers or employment centers in the vicinity. The proposal extends the existing sidewalks in the area along the sites frontage. The site is located in a residential activity area; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 3: Housing because the proposal incorporates another housing options into the area that encourages the provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro; and the proposed district is located adjacent to an existing residential area; and the incorporation of this district in the area encourages a variety of housing types and occupancy types within the area which increases the ability to provision clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the change in zoning, for

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case 21-ZONE-0138, from RR, Residential, to R-5, Single-Family Residential, for the property at 10105 Vista Hills Boulevard.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price, Sistrunk, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioner Seitz

On a motion by Commissioner Howard, seconded by Commissioner Clare, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Floyds Fork Overlay Review for 21-ZONE-0138, based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price, Sistrunk, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioner Seitz

On a motion by Commissioner Howard, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

Detailed District Development Plan:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, the Commission further finds that 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

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WHEREAS, the Commission further finds that there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Commission further finds that 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 Commission further finds that 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 roadways. Buildings will meet all required setbacks; and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. 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) is requested:
 - a. The development plan must receive full construction approval from Construction Review, 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

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requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

- c. A major subdivision plat creating the lots as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
 7. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan/Subdivision Plan for case 21-ZONE-0138 along with the Binding Elements found on pages 11 and 12 of the staff report.

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price, Sistrunk, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioner Seitz

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22-WAIVER-0006 PLANNING COMMISSION MEETING MINUTES

03:24:32 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the February 17, 2022 Planning Commission meeting minutes for case number 22-WAIVER-0006 only, with the corrections that were noted.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price, Sistrunk, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioner Seitz

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ADJOURNMENT

The meeting adjourned at approximately 4:35 p.m.

DocuSigned by:

Marilyn Lewis

Chairman

DocuSigned by:

[Signature]

Division Director