

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 26-ZONE-0025

Request:	Change in Zoning from R-5 Residential to R-6 Residential and a Detailed District Development Plan with associated wavier and binding elements.
Project Name:	Poplar Tri-plex
Location:	3827 Poplar Level Rd
Applicant:	ZNB Properties LLC
Representative:	Mike & Nadine Brewer
Jurisdiction:	Louisville Metro
Council District:	10 – Josie Raymond
Case Manager:	Jude Mattingly, Planner II

Notice of this public hearing 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 Office of Planning offices, 444 S. 5th Street.)

Agency Testimony:

01:48:58 Jude Mattingly provided an overview of the request and presented a PowerPoint presentation. Mattingly responded to questions from Commissioners (see recording for details).

01:55:19 Jay Lockett responded to questions from Commissioners (see recording for details).

The following spoke in favor of this request:

Mike Brewer, 11604 E Osage Rd, Louisville, KY 40223

Summary of testimony of those in support of the request:

01:56:38 Mike Brewer spoke in support of the proposal. Brewer mentioned that when the property was purchased the gravel was already located on the property from the previous owner. Brewer noted that an existing four car carport was established before taking ownership of the property and would like to add an additional dwelling unit. Brewer responded to questions from Commissioners (see recording for details).

The following spoke in opposition of this request:

None

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Deliberation:

01:58:57 Planning Commission deliberation.

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

Change in zoning from R-5 Residential to R-6 Residential

01:59:36 On a motion by Commissioner Steff, seconded by Commissioner Bond, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the proposal would not constitute a significantly higher density or intensity than what currently exists in the area. The immediate area contains a variety Multi-Family Residential, Office Residential, and Commercial zoning classifications and uses. The subject site is located in an area where there is a developed network of sidewalks, public transit options, and fronts a major arterial roadway.

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 2 because appropriate access and connectivity exist to allow the zoning change within the context of the neighborhood form district.

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 3 because no substantial changes to the topography, potential environmental degradation, or disturbance to any natural features has been observed.

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 4 because while not in a recognized historic preservation district, overlay district, or national register district, the existing structure will be preserved, habilitated, and renovated.

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 1 because the subject site is located in an area where there is a developed network of sidewalks, public transit options, and fronts a major arterial roadway.

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 2 because the there is no access through areas of significantly lower intensity.

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WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 3 because the proposed zoning would allow for additional dwelling unit that encourage utilization of the existing network of sidewalks and public transit options.

WHEREAS, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the subject site is served by existing utilities and located in an area where additional resources could be extended.

WHEREAS, the Planning Commission finds the proposal meets Economic Development: Goal 1 because the subject site is located in an area where there is a developed network of sidewalks, public transit options, and major arterial roadway that provides opportunities for residents.

WHEREAS, the Planning Commission finds the proposal meets Livability: Goal 1 because no issues with the site being susceptible to severe erosion, impacts on groundwater resources, flow patterns, existing surface drainage, or the floodplain have been observed and MSD has given preliminary approval.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposed zoning would allow for housing options that support aging in place with access to transit routes.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 2 because the proposed zoning would allow for housing options with access to multi-modal transportation corridors within proximity of amenities providing neighborhood good and services.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 3 because no current residents are identified to be displaced by this request; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the change in zoning from R-5 Residential to R-6 Residential.

The vote was as follows:

YES: Commissioners Steff, Fischer, Bond, Benitez, Stuber, Lannert, and Sistrunk

NO: Commissioner Mims

ABSENT: Commissioners Lohan and Cheek

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Waiver from 10.2.4 to omit the property perimeter landscape buffer required along the northwestern and southeastern property line.

02:00:14 On a motion by Commissioner Steff, seconded by Commissioner Bond, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds the waiver is unlikely to adversely affect adjacent property owners. There is no proposed construction with this request. The existing structure and site conditions are compatible with other properties on the same block face, and

WHEREAS, the Planning Commission finds the Community Form Goal 1, Policy 4 calls for a proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects, and

WHEREAS, the Planning Commission finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as implementing the provision in full would require partial demolition of both existing structures on site, and

WHEREAS, the Planning Commission finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant. Implementing the provision in full would require partial demolition of both existing structures on site. The property owner has installed plantings and fencing to create some buffer against the remaining R-5 zoned properties; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver from 10.2.4 to omit the property perimeter landscape buffer required along the northwestern and southeastern property line.

The vote was as follows:

YES: Commissioners Steff, Fischer, Bond, Benitez, Stuber, Lannert, and Sistrunk

NO: Commissioner Mims

ABSENT: Commissioners Lohan and Cheek

Detailed District Development Plan with proposed binding elements.

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02:00:47 On a motion by Commissioner Steff, seconded by Commissioner Bond, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds there do not appear to be any significant environmental constraints or natural resources on the subject site. While not formally recognized as being in a Historic Preservation district or National Register district the single-family structure on site was originally constructed in the mid-1920s according to Jefferson County PVA records. This proposal retains that structure while renovating it for the proposed duplex use, and

WHEREAS, the Planning Commission finds the provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and the Department of Transportation and the KYTC have reviewed and approved the preliminary development plan, and

WHEREAS, the Planning Commission finds there are no open space requirements pertinent to the current proposal. If the property were redeveloped in the future the subject site will be required to meet Land Development Code requirements, and

WHEREAS, the Planning Commission finds that MSD has reviewed and 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 Planning Commission finds the overall site design and land uses are compatible with the existing and future development of the area, and

WHEREAS, the Planning Commission finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code except for where the waiver is requested; now, therefore be it.

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

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2. 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.
3. 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.
4. 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.
5. 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 Steff, Fischer, Bond, Benitez, Stuber, Lannert, and Sistrunk

NO: Commissioner Mims

ABSENT: Commissioners Lohan and Cheek